SERIES E.—No. 8

EIGHTH ANNUAL REPORT

OF THE

PERMANENT COURT OF INTERNATIONAL JUSTICE

(June 15th, 1931—June 15th, 1932)

PUBLICATIONS OF THE PERMANENT COURT
OF INTERNATIONAL JUSTICE

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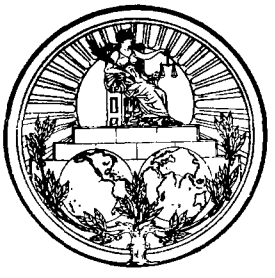

A. W. SIJTHOFF'S PUBLISHING COMPANY—LEYDEN

INTRODUCTION.

The Court's Eighth Annual Report covers, speaking generally, the period June 15th, 1931, to June 15th, 1932. The plan adopted is the same as that of the preceding Reports.

Amongst the matters with which it deals, the following should be noted:

Chapters II and III give the position with regard to the ratification of the Protocol for the revision of the Court's Statute (pp. 55-59) and the acceptance of the Optional Clause (pp. 111-115); Chapter III also deals with the question of the adherence of the United States of America to the Court's Statute (pp. 123-142).

Chapters IV and V contain short reports of the judgments and advisory opinions given by the Court since June 15th, 1931. As in the Third, Fourth, Fifth and Sixth Annual Reports, the introduction to these chapters contains a list enumerating all judgments (likewise orders in the nature of judgments) and advisory opinions delivered by the Court, and giving in respect of each a summary and references to the relevant documents; this list was not included in the Seventh Annual Report, which contained instead the Court's General List from the beginning. On the other hand, in order to bring the General List as published in the Seventh Annual Report up to date and to facilitate reference to it, the introduction reproduces all particulars from the List in regard to every case which has formed the subject of a new entry since June 15th, 1931.

Chapter VI contains decisions taken by the Court during the period 1931-1932, in application of the Statute and Rules; these decisions supplement those already recorded in Chapter VI of the Third, Fourth, Fifth, Sixth and Seventh Annual Reports. The index at the end of the chapter covers the whole of the decisions contained either in the present or in previous Reports.

Chapter VIII indicates the efforts made to effect economies, in particular the measures taken to reduce the budgets for 1932 and 1933.

Like that contained in the Third, Fourth, Fifth, Sixth and Seventh Annual Reports, the bibliographical list given in Chapter IX is additional to that in the Second Annual Report; it is brought up to date to June 15th, 1932, and also makes

good certain omissions in previous lists. The two indexes to the bibliography cover all seven lists.

Chapter X constitutes the first addendum to the fourth edition of the *Collection of Texts governing the Jurisdiction of the Court*, dated January 31st, 1932. It contains, firstly, additional information regarding instruments included in the collection and, secondly, as regards instruments which have come to the knowledge of the Registry since January 31st, 1932, the full text, in the case of instruments concerning the pacific settlement of disputes, and, in the case of other instruments, the relevant clauses.

* * *

On February 15th, 1932—during the period covered by the present Report—the Court completed the tenth year of its existence. On this occasion, the Court authorized the publication of a pamphlet giving an account of its work from the beginning. This pamphlet, prepared by the Registry of the Court, is entitled: *Ten Years of International Jurisdiction* (1922-1932) [1]. It is preceded by an introduction by the President which contains the following passages:

"It is not the intention of the Court in any manner to commemorate this tenth anniversary: first, because ten years represent far too brief a period in the life of an international institution; and secondly, because the true rôle of the Court is not to pause in contemplation of its past achievements but to press forward with its gaze fixed upon the future; moreover, the *continuity* of the Court, which is its most essential characteristic, would forbid any arbitrary subdivision of its performances in terms of time.

"Yet there may be some among attentive observers of international events who will be mindful of this date and will desire some rapid and succinct means of acquainting themselves with the work of the Court during the decade which has just closed. The Court believes that it may not be amiss to have an authorized statement issued for their use, giving a plain account of the principal facts, but avoiding anything in the way of technical detail."

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[1] *Permanent Court of International Justice—Ten Years of International Jurisdiction* (1922-1932). A. W. Sijthoff's Publishing Company, Leyden.

* * *

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 and interpretation thereof.

The Hague, August 1932.

Å. HAMMARSKJÖLD,
Registrar.

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THE COURT AND REGISTRY.

I.

THE COURT.

(1) COMPOSITION OF THE COURT.

(See Seventh Annual Report, pp. 17-18.)

There has been no change in the composition of the Court since June 15th, 1931 [1].

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

On January 16th, 1931, the Court elected M. ADATCI as President; and on January 17th, 1931, M. GUERRERO as Vice-President. Their periods of office end on December 31st, 1933.

The list of judges in order of precedence is as follows:

List of Judges.

Judges:

MM. ADATCI, *President,*
GUERRERO, *Vice-President,*
KELLOGG,
Baron ROLIN-JAEQUEMYNS,
Count ROSTWOROWSKI,
FROMAGEOT,
DE BUSTAMANTE,
ALTAMIRA,
ANZILOTTI,
URRUTIA,
Sir CECIL HURST,

[1] As regards the composition of the Court at the beginning of its 25th Session, when taking the case of the free zones of Upper Savoy and the Pays de Gex (3rd phase), cf. Chapter VI of this volume, pp. 246-247.

MM. SCHÜCKING,
NEGULESCO,
Jonkheer VAN EYSINGA,
WANG.

Deputy-Judges :

MM. REDLICH,
DA MATTA,
NOVACOVITCH,
ERICH.

(3) BIOGRAPHICAL NOTES CONCERNING THE JUDGES AND DEPUTY-JUDGES.

(For biographical notes concerning MM. Adatci, Guerrreo, Kellogg, Baron Rolin-Jaequemyns, Count Rostworowski, MM. Fromageot, de Bustamante, Altamira, Anzilotti, Urrutia, Sir Cecil Hurst, MM. Schücking, Negulesco, Jonkheer van Eysinga, MM. Wang, Redlich, da Matta, Novacovitch, and Erich, see Seventh Annual Report, pp. 21-41.)

(4) JUDGES "AD HOC".

(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 (election of members of the Court) or in 1923 (replacement of M. Barbosa, deceased) or in 1928 (replacement of Mr. Moore, resigned) or in 1929 (replacement of M. André Weiss and Lord Finlay, deceased) or in 1930 (replacement of Mr. Charles Evans Hughes, resigned, and new election of the whole Court). The names printed in **fatfaced letters** are those of candidates elected to the Court ; the names printed in **fatfaced letters** but in brackets are those of candidates elected previously but not re-elected in 1930 ; names printed in *italics* are those of persons whose death has been reported to the Court.

Adatci, Minéitcirô . . . . . Japan
Ador, Gustave . . . . . Switzerland
AIYAR, Sir P. S. Sivaswami . . . . . India
ALFARO, Ricardo J. . . . . Panama
ALFARO, F. A. Guzman . . . . . Venezuela

Altamira, Rafael	Spain
ALVAREZ, Alexandre	Chile
AMEER ALI, Saiyid	India
ANDRÉ, Paul	France
ANGLIN, Franck A.	Canada
Anzilotti, Dionisio	Italy
ARENDT, Ernest	Luxemburg
AYON, Alfonso	Nicaragua
BAKER, Newton D.	U.S. of America
BALAMEZOV, St. G.	Bulgaria
BALOGH, Eugène de	Hungary
Barbosa, Ruy	Brazil
BARRA, F. L. de la	Mexico
BARTHÉLÉMY, Joseph	France
BASDEVANT, Jules	France
BATLLE Y ORDOÑEZ, José	Uruguay
(**Beichmann,** Frederik Waldemar N.)	Norway
BEVILAQUA, Clovis	Brazil
Bonamy, Auguste	Haiti
BORDEN, Sir Robert	Canada
BOREL, Eugène	Switzerland
BORNO, Louis	Haiti
BOSSA, Simon	Colombia
Bourgeois, Léon	France
BOYDEN, William Roland	U.S. of America
BRUM, Baltasar	Uruguay
BUCKMASTER, Lord	Great Britain
BUERO, Juan A.	Uruguay
Bustamante, Antonio S. de	Cuba
BUSTAMANTE, Daniel Sanchez	Bolivia
BUSTILLOS, Juan Francisco	Venezuela
CHAMBERLAIN, Joseph E.	U.S. of America
CHINDAPIROM, Phya	Siam
CHYDENIUS, Jacob Wilhelm	Finland
Colin, Ambroise	France
CRUCHAGA TOCORNAL, Miguel	Chile
DANEFF, Stoyan	Bulgaria
DAS, S. R.	India
DEBVIDUR, Phya	Siam
DESCAMPS (Le baron)	Belgium
DOHERTY, Charles	Canada
DREYFUS, Eugène	France
DUFF, Lyman Poore	Canada
DUPUIS, Charles	France
Erich, Rafael	Finland
Eysinga, Jonkheer W. J. M. van	Netherlands
FADENHEHT, Joseph	Bulgaria
Fauchille, Paul	France
FERNANDEZ Y MEDINA, Benjamin	Uruguay
Finlay, Robert Bannatyne, Viscount	Great Britain
FRIIS, M. P.	Denmark
Fromageot, Henri	France
GODDYN, Arthur	Belgium

Gonzalez, Joaquin V.	Argentine
GOYENA, J. Y.	Uruguay
GRAM, G.	Norway
GRISANTI, Carlos F.	Venezuela
GUANI, Alberto	Uruguay
Guerrero, J. Gustavo	Salvador
HAILSHAM, Lord	Great Britain
Halban, Alfred	Poland
HAMMARSKJÖLD, Hj. L.	Sweden
HAMMARSKJÖLD, Åke	Sweden
HANOTAUX, Gabriel	France
HANSSON, Michael	Norway
HANWORTH, Lord	Great Britain
HASSAN KHAN MOCHIROD DOWLEH (H.H.)	Persia
HERMANN-OTAVSKY, Charles	Czechoslovakia
HIGGINS, A. Pearce	Great Britain
HONTORIA, Manuel Gonzales	Spain
HOZ, Julian de la	Uruguay
(**Huber,** Max)	Switzerland
(**Hughes,** Charles Evans)	U.S. of America
Hurst, Sir Cecil	Great Britain
HYDE, Charles Cheney	U.S. of America
HYMANS, Paul	Belgium
IMAM, Sir Saiyid Ali	India
JESSUP, Philip	U.S. of America
KADLETZ, Karel	Czechoslovakia
KARAGUIOZOV, Anguel	Bulgaria
Kellog, Frank B.	U.S. of America
KLAESTAD, Helge	Norway
Klein, Franz	Austria
KOSTERS, J.	Netherlands
KRAMARZ, Charles	Czechoslovakia
KRIEGE, Johannes	Germany
KRITIKANUKORNKITCH, Chowphya Bijaiyati	Siam
LAFLEUR, Eugène	Canada
LANGE, Christian	Norway
LAPRADELLE, Albert de	France
LARNAUDE	France
LEE, Frank William Chinglun	China
LE FUR, Louis	France
LEMONON, Ernest	France
LESPINASSE, Edmond de	Haiti
LIANG, Chi-Chao	China
LIMBURG, J.	Netherlands
(**Loder,** B. C. J.)	Netherlands
Magyary, Géza de	Hungary
Manolesco Ramniceano	Roumania
MARKS DE WURTEMBERG, Baron Erik Teodor	Sweden
MASTNY, Vojtěch	Czechoslovakia
Matta, J. L. da	Portugal

MOHAMMED ALI KHAN ZOKAOL MOLK	Persia
(**Moore,** John Bassett)	U.S. of America
MORALES, Eusebio	Panama
MORENA, Alfredo Baquerizo	Ecuador
Negulesco, Demètre	Roumania
Novacovitch, Miléta	Yugoslavia
Nyholm, Dïdrik Galtrup Gjedde	Denmark
OCA, Manuel Montès de	Argentine
OCTAVIO DE LANGAARD MENEZES, Rodrigo	Brazil
(**Oda,** Yorozu)	Japan
PAPAZOFF, Theohar	Bulgaria
PAREJO, F. A.	Venezuela
(**Pessôa,** Epitacio da Silva)	Brazil
Phillimore, Lord Walter George Frank	Great Britain
PIOLA-CASELLI, Edoardo	Italy
POINCARÉ, Raymond	France
POLITIS, Nicolas	Greece
POLLOCK, Sir Frederick	Great Britain
POUND, Roscoe	U.S. of America
RAHIM, Sir Abdur	India
READING, Marquess of	Great Britain
Redlich, Joseph	Austria
REYES, Pedro Miguel	Venezuela
RIBEIRO, Arthur Rodrigues de Almeida	Portugal
Richards, Sir Henry Erle	Great Britain
Rolin-Jaequemyns, Le baron	Belgium
ROOT, Elihu	U.S. of America
Rostworowski, Michel	Poland
Rougier, Antoine	France
SALAZAR, Carlos	Guatemala
SANTOS, Abel	Venezuela
SCHEY, Joseph	Austria
SCHLYTER, Karl	Sweden
Schücking, Walther	Germany
SCHUMACHER, Franz	Austria
SCOTT, James Brown	U.S. of America
SCOTT, Sir Leslie	Great Britain
SÉFÉRIADÈS, Stelio	Greece
SETALVAD, Sir C. H.	India
SIMONS, Walther	Germany
SMUTS, General J. C.	Union of South Africa
SOARES, Auguste Luis Vieira	Portugal
STREIT, Georges	Greece
STRUPP, Karl	Germany
Struycken, A. A. H.	Netherlands
TCHIMITCH, Ernest	Yugoslavia
Tybjerg, Erland	Denmark
UNDÉN, Östen	Sweden
Urrutia, Francisco José	Colombia
VARELA, José Pedro	Uruguay
VELEZ, Fernando	Colombia
VERDROSS, Alfred	Austria

VILLAZON, Eliodoro	Bolivia
VILLIERS, Sir Etienne de	Union of South Africa
VISSCHER, Charles de	Belgium
WALKER, Gustave	Austria
WALLACH, William	India
Wang Chung-Hui	China
Weiss, André	France
Wessels, Sir Johannes Wilhelmus	Union of South Africa
WICKERSHAM, George Woodward	U.S. of America
WIGMORE, John H.	U.S. of America
WILSON, George Grafton	U.S. of America
WREDE, Baron R. A.	Finland
(**Yovanovitch,** Michel)	Yugoslavia
Zeballos, Estanislas	Argentine
ZEPEDA, Maximo	Nicaragua
Zolger, Ivan	Yugoslavia
ZORILLA DE SAN MARTIN, Juan	Uruguay

Judges *ad hoc*.

As indicated in previous Annual Reports, judges *ad hoc* have sat on the Court in the following contested cases:

"Wimbledon" [1],

Mavrommatis (jurisdiction and merits) [2],

German interests in Polish Upper Silesia (jurisdiction and merits) [3],

Claim for indemnity in connection with the factory at Chorzów (jurisdiction) [4],

"Lotus" [5],

Readaptation of the Mavrommatis Jerusalem Concessions [6],

Rights of Minorities in Polish Upper Silesia (Minority schools) [7],

Claim for indemnity with respect to the Chorzów factory (merits) [8],

Payment of various Serbian loans issued in France [9],

Payment in gold of Brazilian Federal loans contracted in France [10],

Free Zones of Upper Savoy and the District of Gex [11] (first and second phases),

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[1] See First Annual Report, p. 163.
[2] " " " " " 169.
[3] " Second " " " 99.
[4] " Fourth " " " 155.
[5] " " " " " 166.
[6] " " " " " 176.
[7] " " " " " 191.
[8] " Fifth " " " 183.
[9] " " " " " 205.
[10] " " " " " 216.
[11] " Sixth " " " 201, and Seventh Annual Report, p. 233.

Territorial extent of the jurisdiction of the Oder Commission [1], and in the following cases for advisory opinion (Art. 71 [revised] of the Rules of Court):

Jurisdiction of the Danzig Courts [2],
Case of the Greco-Bulgarian Communities [3].

Since June 15th, 1931, the Court has had before it two contentious cases and four cases for advisory opinion which necessitated the appointment of judges *ad hoc*.

Contentious cases:

(1) The case of the free zones of Upper Savoy and the Pays de Gex, third phase (Judgment of June 7th, 1932) [4].

M. Eugène Dreyfus, judge *ad hoc* for the French Government in the first and second phases of the case, resumed his seat on the Bench for this phase; a biographical note concerning him will be found in the Fifth Annual Report, p. 34.

(2) The case concerning the interpretation of the Statute of Memel (preliminary objection; Judgment of June 24th, 1932) [5]. This case is still before the Court (proceedings on the merits).

A biographical note concerning M. Michel Römer'is, who was appointed by the Lithuanian Government as judge *ad hoc* to sit in the Court for this case, will be found in the present volume, p. 28.

Advisory cases:

(1) The case concerning railway traffic between Lithuania and Poland, railway sector Landwarów-Kaisiadorys (Advisory Opinion of October 15th, 1931) [6].

A biographical note concerning M. Stašinskas, who was appointed as judge *ad hoc* by the Lithuanian Government for this case, will be found in the Seventh Annual Report, p. 47.

(2) The case concerning access to and anchorage in the port of Danzig for Polish war vessels (Advisory Opinion of December 11th, 1931) [7], and

[1] See Sixth Annual Report, p. 213.
[2] ,, Fourth ,, ,, , ,, 213.
[3] ,, Seventh ,, ,, , ,, 245.
[4] ,, p. 191.
[5] ,, ,, 207.
[6] , ,, 221.
[7] ,, ,, 226.

(3) The case concerning the treatment of Polish nationals and other persons of Polish origin or speech in the territory of Danzig (Advisory Opinion of February 4th, 1932) [1].

A biographical note concerning M. Bruns, appointed as judge *ad hoc* for these two cases by the Government of the Free City, will be found in the Fourth Annual Report, p. 35.

(4) The case concerning the interpretation of the Greco-Bulgarian Agreement (the Caphandaris-Molloff Agreement) of December 9th, 1927 (Advisory Opinion of March 8th, 1932) [2].

A biographical note concerning M. Caloyanni, appointed as judge *ad hoc* by the Greek Government for this case, will be found in the First Annual Report, p. 54, and a similar note concerning M. Papazoff, judge *ad hoc* for the Bulgarian Government, in the Sixth Annual Report, p. 26.

In a fifth case for advisory opinion with which the Court had to deal, the case of the Customs régime between Austria and Germany (Protocol of March 19th, 1931) [3], the Austrian and Czechoslovak Governments submitted to the Court the question whether Article 31 of the Statute and Article 71 of the Rules applied in this case. But by an Order made on July 20th, 1931, the Court decided that there was no ground for the appointment of judges *ad hoc* either by Austria or Czechoslovakia [4].

Finally, the General List contains two contentious cases (Nos. 43, 52 and 53) which are not yet ready for hearing and which have involved the appointment of judges *ad hoc*, namely, the cases concerning the legal status of certain parts of Eastern Greenland.

Biographical notes concerning M. Herluf Zahle, appointed as judge *ad hoc* by the Danish Government, and M. Paul Benjamin Vogt, appointed by the Norwegian Government, will be found below.

M. HERLUF ZAHLE.

M. Zahle was born on March 14th, 1873, at Copenhagen. After obtaining the degree of doctor of law at Copenhagen University, he studied at the *École libre des Sciences politiques* at Paris.

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[1] See p. 232.
[2] ,, ,, 238.
[3] ,, ,, 216.
[4] Cf. Chapter VI of this volume, p. 252.

In 1900 he entered the Ministry for Foreign Affairs at Copenhagen as Attaché; subsequently he was Secretary of Legation in Paris in 1904, First Secretary in Stockholm from 1905 to 1908 and in London in 1908 and 1909. In 1907, M. Zahle acted as Secretary of the Danish delegation to the second Peace Conference. In 1909, he became Head of Section at the Ministry for Foreign Affairs and, from 1910 to 1919, was political Director at that Ministry. In 1919, he was appointed Envoy Extraordinary and Minister Plenipotentiary at Stockholm and since 1924 has been accredited to Berlin.

Since 1911, M. Zahle has been Chamberlain to H.M. the King of Denmark. In 1911, he was appointed a member of the Committee for the revision of treaties of commerce over which he presided in 1913. He was delegate for his Government at the North Sea Conference held at Copenhagen in February 1915 and at the Copenhagen Conferences regarding Telegraphic and Press relations between the Scandinavian countries which were held in 1916, 1917 and 1918. In 1917, he was President of the International Prisoners of War Conference at Copenhagen. He was also a member of the Danish Committee which prepared the ground for the participation of the neutral States at the Peace Conference and of the Commission for the reorganization of diplomatic representation in Denmark.

From 1920 to 1928, M. Zahle was first Danish delegate to the Assembly of the League of Nations, of which he was President in 1928. He has been a member of several commissions appointed by the League of Nations, *inter alia*, the Commission for Amendments to the Covenant, of which he was Rapporteur (1921), the Supervisory Commission and the Committee for the allocation of expenses. In 1924, he was President of the second Opium Conference.

Since 1921, he has been a member of the Permanent Court of Arbitration at The Hague.

M. Paul Benjamin Vogt.

M. Paul Benjamin Vogt was born at Kristiansand (Norway) on May 16th, 1863. He studied and took his university degrees at the University of Oslo, where he became doctor of law in 1885. From 1888 to 1890 he studied political science at Berlin.

In 1900, he began to practize as an advocate at Oslo and, in 1905, became advocate before the Supreme Court.

From 1903 to 1905, he was a member of the Norwegian Government. In 1905, he was Norwegian delegate to the Conference of Karlstad between Norway and Sweden. From 1907 to 1909 he was a member of the Commission concerning the rights of the nomad Lapps to pasturage for reindeer.

M. Vogt represented his country as Envoy Extraordinary and Minister Plenipotentiary at Stockholm from 1906 to 1910 and at Brussels from 1922 to 1930. He has been accredited to London since 1910. He was Norwegian delegate at the International Conference at The Hague in 1922 and, in the same year, was a member of the arbitral tribunal entrusted with the settlement of a dispute between the United States and Norway (Norwegian claims

against the United States of America). In 1926, he was Norwegian delegate to the League of Nations.

Since 1925, M. Vogt has been a member of the Conciliation Commission between Denmark and Finland.

M. MICHEL RÖMER'IS.

M. Michel Römer'is was born in 1880 in Lithuania, in the district of Rokiškis. He studied at the Imperial School of Law at Saint-Petersburg which he left in 1901, and from 1902 to 1905, at Cracow and the *École libre des Sciences politiques* at Paris. From 1905 to 1906, he was editor of a daily paper at Vilna, and from 1908 to 1915, advocate at the bar of that city.

When, in 1917, the German occupation authorities established an autonomous administration of justice in Poland, M. Römer'is became a judge and acted in that capacity at Lomza until 1920. In 1920 and 1921, he served in the same capacity in Lithuania at Kovno and then at Vilna. From 1921 to 1928, he was a judge of the Supreme Court of Lithuania.

Since 1922, M. Römer'is has been Professor of constitutional law at the Faculty of Law of the University of Vytautas-the-Great at Kovno. In 1926-1927, he was Pro-Rector and in 1927-1928 Rector of that University.

From 1928 to 1931, he was Vice-President of the Lithuanian Council of State.

M. Römer'is has published various legal works, in Lithuanian, Polish and German, devoted *inter alia* to the question of representation (*Reprezentacija ir Mandatas*), administrative tribunals, modern constitutions, and the reform of the Lithuanian Constitution in 1928. Further, he has published numerous legal articles, more particularly in Lithuanian reviews and collections.

(5) SPECIAL CHAMBERS.

(See First Annual Report, p. 55.)

Chamber for Labour cases.

Composition of the Chamber for Labour cases.

Until December 31st, 1933 :

Members :

MM. Altamira, *President*,
Kellogg,
Urrutia,
Schücking,
Wang Chung-Hui.

Substitute Members :

Sir Cecil Hurst.
M. Negulesco.

Composition of the Chamber for Communications and Transit cases.

Chamber for Transit cases.

Until December 31st, 1933 :

Members :

MM. Guerrero, *President,*
Baron Rolin-Jaequemyns,
Fromageot,
Anzilotti,
Jonkheer van Eysinga.

Substitute Members :

Mr. Kellogg,
Count Rostworowski.

Composition of the Chamber for Summary Procedure.

Chamber for Summary Procedure.

From January 1st to December 31st, 1932 :

Members :

MM. Adatci, *President,*
Guerrero,
Sir Cecil Hurst.

Substitute Members :

Count Rostworowski,
M. Anzilotti.

From June 15th, 1931, to June 15th, 1932, no case has been brought before a Chamber of the Court.

(6) ASSESSORS.

(See First Annual Report, p. 57.)

The following tables give the list, as on June 15th, 1932, of assessors for labour cases appointed by Members of the League of Nations and by the Governing Body of the International Labour Office, and of assessors for transit and com-

munication cases appointed by Members of the League of Nations.

The First Annual Report (pp. 58-78) sets out the qualifications of assessors included in the list in June 1925. As regards assessors appointed from June 15th, 1925, to June 15th, 1931, see the lists in the Second, Third, Fourth, Fifth, Sixth and Seventh Annual Reports. For changes made since, see notes to the following lists.

A.—LIST OF ASSESSORS FOR LABOUR CASES.

(CLASSIFICATION BY COUNTRIES.)

Country.	Name.	Nominated by [1]:	Representing:	Assessors for Labour cases.
Union of South Africa.	—	—	—	
	—	—	—	
	GEMMILL, W.,	I.L.O.	Employers.	
	CRAWFORD, A.,	I.L.O.	Workers.	
Austria.	ADLER, Emmanuel,	Govt.		
	MAYER-MALLENAU, Felix,	Govt.		
	CAMUZZI, Dr. Siegfried [2],	I.L.O.	Employers.	
	HEINDL, Hermann [3],	I.L.O.	Workers.	
Belgium.	JULIN, Armand,	Govt.		
	MAHAIM, Ernest,	Govt.		
	DALLEMAGNE, G.,	I.L.O.	Employers.	
	BONDAS, Joseph [4],	I.L.O.	Workers.	
Bolivia.	—	—	—	
	—	—	—	
	GARCIA, E.,	I.L.O.	Employers.	
	IBANEZ, Juan,	I.L.O.	Workers.	
Brazil.	PELLES, Godefredo Silva,	Govt.		
	PEREIRA, Manoel Carlos Goncalves,	Govt.		
	DUTRA, Ildefonso,	I.L.O.	Employers.	
	BEZERRA Andrade,	I.L.O.	Workers.	
Bulgaria.	NICOLOFF, A.,	Govt.		
	NICOLTCHOFF, V.,	Govt.		
	BOUROFF, Ivan D.,	I.L.O.	Employers.	
	DANOFF. Grigor,	I.L.O.	Workers.	
Canada.	—	—	—	
	—	—	—	
	COULTER, W. C. [5],	I.L.O.	Employers.	
	SIMPSON, James [6],	I.L.O.	Workers.	
Chile.	VICUÑA, Manuel Rivas,	Govt.		
	—	—	—	
	—	—	—	
	—	—	—	

[1] Govt.: Government.
[2] Principal Secretary of the Employers' Section of the Austrian Central Industrial Federation.
[3] Secretary of the Chamber of Workers and Employees.
[4] Assistant Secretary of the Trades Union Commission of Belgium.
[5] First Vice-President of the Canadian Manufacturers Association.
[6] Vice-President of the Trades and Labour Congress of Canada.

Country.	Name.	Nominated by:	Representing:
China.	HOO-CHI-TSAI,	Govt.	
	TCHOU YIN,	Govt.	
	—	—	—
	—	—	—
Colombia.	RESTREPO, Antonio José,	Govt.	
	URRUTIA, Dr. Francisco,	Govt.	
	—	—	—
	—	—	—
Czecho-slovakia.	FRANCKE, Emil,	Govt.	
	HOROWSKY, Zdenek,	Govt.	
	WALDES, Henri,	I.L.O.	Employers.
	TAYERLE, Rudolf,	I.L.O.	Workers.
Denmark.	BERGSŒ, J. Fr.,	Govt.	
	HANSEN, J. A.,	Govt.	
	VESTESEN, H.,	I.L.O.	Employers.
	HEDEBOL, Peder,	I.L.O.	Workers.
Esthonia.	—	—	—
	—	—	—
	LUTHER, Martin,	I.L.O.	Employers.
	ROI, Auguste,	I.L.O.	Workers.
Finland.	MANNIO, Niilo Anton,	Govt.	
	HALLSTEN, Gustaf Onni Immanuel,	Govt.	
	PALMGREN, Axel,	I.L.O.	Employers.
	HUTTUNEN, Edvard,	I.L.O.	Workers.
France.	—	—	—
	—	—	—
	LAVERGNE, A. DE [1],	I.L.O.	Employers.
	MILAN, Pierre,	I.L.O.	Workers.
Germany.	—	—	—
	—	—	—
	BRAUWEILER, R. [2].	I.L.O.	Employers.
	GRASSMANN, P.,	I.L.O.	Workers.
Great Britain.	CHAMBERLAIN Sir Arthur Neville,	Govt.	
	MACASSEY, Sir Lynden Livingstone,	Govt.	
	DUNCAN, Sir Andrew Rae,	I.L.O.	Employers.
	THOMAS, The Right Hon J. H.	I.L.O.	Workers.

[1] General delegate of the Confederation of French production.
[2] General Manager of the Federation of Employers' Associations of Germany.

Country.	Name.	Nominated by:	Representing:
Greece.	CHOIDAS,	Govt.	
	TOTOMIS, M. D.,	Govt.	
	NEGRIS, Constantin [1],	I.L.O.	Employers.
	LAMBERINOPOULOS, Timoléon,	I.L.O.	Workers.
Haiti.	DENNIS, Fernand,	Govt.	
	—	—	—
	—	—	—
	—	—	—
Hungary.	—	—	—
	—	—	—
	KNOB, Alexandre,	I.L.O.	Employers.
	PEYER, Charles,	I.L.O.	Workers.
India.	CHOUDHURI,	Govt.	
	LOW, Sir Charles Ernest,	Govt.	
	KAY, J. A.,	I.L.O.	Employers.
	JOSHI, N. M.,	I.L.O.	Workers.
Italy.	PERASSI, Tomaso,	Govt.	
	MICELI, Giuseppe,	Govt.	
	BALELLA, Dr. Giovanno,	I.L.O.	Employers.
	CUCINI, Bramante,	I.L.O.	Workers.
Japan.	KAWANISHI, Jitsuzo,	Govt.	
	YOSHIZAKA, Shunzo,	Govt.	
	MUTO, Sanji,	I.L.O.	Employers.
	HAMADA, Kunitaro [2],	I.L.O.	Workers.
Latvia.	SCHUMANS, V.,	Govt.	
	ROZE, Fr.,	Govt.	
	—	—	—
	—	—	—
Lithuania.	SLIZYS, François,	Govt.	
	RAULINAITIS, François,	Govt.	
	—	—	—
	—	—	—
Luxemburg.	—	—	—
	—	—	—
	WEBER, Paul [3],	I.L.O.	Employers.
	BARBEL, Barthélémy [4],	I.L.O.	Workers.
Netherlands.	KOOLEN, Dr. D. A. P. N. [5],	Govt.	
	VOOYS, J. P. DE,	Govt.	
	VERKADE, A. E.,	I.L.O.	Employers.
	FIMMEN, E.,	I.L.O.	Workers.

[1] President of the Association of Greek Manufacturers.
[2] President of the Union of Japanese Seamen.
[3] Legal Adviser to the Chamber of Commerce of Luxemburg.
[4] President of the Chamber of Labour of Luxemburg.
[5] Member of the Council of State, Former Minister of Labour, Commerce and Industry.

Country.	Name.	Nominated by:	Representing:
Norway.	BACKER, M. C.,	Govt.	
	BERG, Paal,	Govt.	
	ERLANDSEN, Christian [1],	I.L.O.	Employers.
	MADSEN, Alfred [2],	I L.O.	Workers.
Panama.	—	—	—
	—	—	—
	ZUBIETA, José Antonio,	I.L.O.	Employers.
	ADAMES, Enoch,	I.L.O.	Workers.
Poland.	KUMANIECKI, Dr. Casimir Ladislas,	Govt.	
	MLYNARSKI, Dr. Felix,	Govt.	
	ZAGLENICZNY, Jan,	I.L.O.	Employers.
	ZULAWSKI, Sigismond,	I.L.O.	Workers.
Roumania.	JANCOVICI, Dimitrie,	Govt.	
	VOINESCU, Barvu,	Govt.	
	FICSINESCU, Teodor [3],	I.L.O.	Employers.
	GHERMAN, Eftimie [4],	I.L.O.	Workers.
Spain.	ORMAECHEA, Rafael Garcia,	Govt.	
	OYUELOS, Ricardo,	Govt.	
	JUNOY RABAT, Francisco,	I.L.O.	Employers.
	CABALLERO, Francisco Largo,	I.L.O.	Workers.
Sweden.	ELMQUIST, Gustaf Henning,	Govt.	
	RIBBING, Sigurd,	Govt.	
	HAY, B.,	I.L.O.	Employers.
	JOHANSSON, E.,	I.L.O.	Workers.
Switzerland.	MERZ, Léo,	Govt.	
	RENAUD, Edgar,	Govt.	
	BUSCH, O. [5],	I.L.O.	Employers.
	ROBERT, René [6],	I.L.O.	Workers.
Uruguay.	BERNARDEZ, Manuel,	Govt.	
	BLANCO, Dr. Juan Carlos,	Govt.	
	ALVAREZ-LISTA, Dr. Ramon,	I.L.O.	Employers.
	DEBENE, Alejandro,	I.L.O.	Workers.
Yugoslavia.	—	—	—
	—	—	—
	YOVANOVITCH, Vasa V.,	I.L.O.	Employers.
	URATNIK, Filip,	I.L.O.	Workers.

[1] Chief of Section of the National League of Employers.
[2] Vice-President of the National League of Workers' Trades Unions.
[3] Professor at the Polytechnic School and General Manager of the Columbia Petroleum Company.
[4] Deputy, Secretary-General of the Roumanian Miners' Union.
[5] Manager of "Établissements Brown, Boveri & Cie".
[6] Secretary of the Federation of Metal Dockers and Clockmakers.

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

(CLASSIFICATION BY COUNTRIES.)

Country.	Name.	Assessors for Transit cases.
Austria.	SCHEIKL, Gustave RINALDINI, Théodore	
Belgium.	LAMALLE, V. U. PIERRARD, A.	
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	
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.	
Hungary.	TOLNAY, Kornél de NEUMANN, Charles	
India.	BARNES, Sir George Stapylton LOW, Sir Charles Ernest	

Country.	Name.
Italy.	CIAPPI, Anselmo MAURO, Francesco
Japan.	IZAWA, Michio TAKATORI, Yasutaro
Latvia.	ALBAT, G. PAULUKS, J.
Lithuania.	SIDZIKAUSKAS, Vanceslas SIMOLIUNAS, Jean
Netherlands.	ELIAS, Jonkheer P. VAN SLOOTEN Azn., Dr. G.[1]
Norway.	RUUD, N. SMITH, G.
Poland.	TYSZYNSKI, M. Casimir WINIARSKI, Dr. Bohdan
Roumania.	PERIETZEANU, Alexandre POPESCU, Georges
Spain.	MACHIMBARRENA, Vicente PUIG DE LA BELLACASA, Narcise
Sweden.	GRANHOLM, A. M. MALM, C. G. O.
Switzerland.	NIQUILLE SCHRAFL
Uruguay.	FERNANDEZ Y MEDINA, Benjamin GUANI, Dr. Alberto

[1] Judge of the Court of Appeal of the Netherlands.

C.—GENERAL LIST OF ASSESSORS.

Name.	Country.	Labour or Transit.	Date of nomination.	List in alphabetical order of assessors for Labour and Transit cases.
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	
BARBEL, B.	Luxemburg	,,	Oct. 17th, 1931	
BARNES, G. S.	India	Transit	Oct. 12th, 1921	
BERG, P.	Norway	Labour	Nov. 10th, 1921	
BERGSŒ, 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	
BONDAS, J.	Belgium	Labour	Oct. 17th, 1931	
BOUROFF, I. D.	Bulgaria	,,	Nov. 11th, 1921	
BRAUWEILER, R.	Germany	,,	April 9th, 1932	
BUSCH, O.	Switzerland	,,	Oct. 17th, 1931	
CABALLERO, F. L.	Spain	,,	Nov. 11th, 1921	
CAMUZZI, S.	Austria	,,	Oct. 17th, 1931	
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	
CUCINI, B.	Italy	,,	March 16th, 1929	
COULTER, W. C.	Canada	,,	April 9th, 1932	
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	
ERLANDSEN, Chr.	Norway	,,	April 9th, 1932	
FERNANDEZ Y MEDINA, B.	Uruguay	,,	Nov. 4th, 1921	
FIALA, C.	Czechoslovakia	,,	Nov. 27th, 1925	
FICSINESCU, T.	Roumania	,,	Oct. 17th, 1931	

Name.	Country.	Labour or Transit.	Date of nomination.
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
GEMMILL, W.	South Africa	,,	Nov. 11th, 1921
GHERMAN, E.	Roumania	,,	Oct. 17th, 1931
GRANHOLM, A. M.	Sweden	Transit	Jan. 10th, 1930
GRASSMANN, P.	Germany	Labour	Nov. 11th, 1921
GUANI, Al.	Uruguay	Transit	Nov. 4th, 1921
HALLSTEN, G. O. I.	Finland	Labour	March 27th, 1922
HAMADA, K.	Japan	,,	April 9th, 1932
HANSEN, J. A.	Denmark	,,	Jan. 6th, 1922
HAY, B.	Sweden	,,	Nov. 11th, 1921
HEDEBOL	Denmark	,,	Nov. 11th, 1921
HEINDL, H.	Austria	,,	Jan. 1932
HOO-CHI-TSAI	China	,,	Dec. 23rd, 1921
HOROWSKY, Z.	Czechoslovakia	,,	Nov. 15th, 1921
HUTTUNEN, E.	Finland	,,	Oct. 17th, 1931
IBANEZ, J.	Bolivia	,,	Nov. 11th, 1921
IZAWA, M.	Japan	Transit	Nov. 4th, 1921
JANCOVICI, D.	Roumania	Labour	Dec. 12th, 1921
JOHANSSON, E.	Sweden	,,	Nov. 11th, 1921
JOSHI, N. M.	India	,,	Nov. 11th, 1921
JULIN, A.	Belgium	,,	Oct. 21st, 1921
JUNOY RABAT, F.	Spain	,,	Oct. 17th, 1931
KAWANISHI, J.	Japan	,,	Nov. 4th, 1921
KAY, J. A.	India	,,	Nov. 11th, 1921
KNOB, A.	Hungary	,,	Jan. 1932
KOOLEN, D. A. P. N.	Netherlands	,,	April 1st, 1932
KUMANIECKI, C. L.	Poland	,,	Dec. 7th, 1921
LAMALLE, V. U.	Belgium	Transit	Nov. 12th, 1925
LAMBRINOPOULOS, T.	Greece	Labour	Nov. 11th, 1921
LAVERGNE, A. de	France	,,	April 9th, 1932
LILLELUND, C. F.	Denmark	Transit	Jan. 6th, 1922
LIN KAI	China	,,	Dec. 23rd, 1921
LOW, Ch, E.	India	Labour	Oct. 12th, 1921
LOW, Ch. E.	,,	Transit	Oct. 12th, 1921
LUTHER, M.	Esthonia	Labour	Jan. 31st, 1931
MACASSEY, L. L.	Great Britain	,,	Dec. 23rd, 1921
MACHIMBARRENA, V.	Spain	Transit	Nov. 21st, 1921
MADSEN, A.	Norway	Labour	April 9th, 1932
MAHAIM, E.	Belgium	Transit	Oct. 21st, 1921
MALM, C. G. O.	Sweden	,,	Jan. 10th, 1930
MANCE, H. O.	Great Britain	,,	Dec. 23rd, 1921
MANNIO, N. A.	Finland	Labour	March 27th, 1922
MAURO, Fr.	Italy	Transit	Nov. 15th, 1921
MAYER-MALLENAU, F.	Austria	Labour	Nov. 11th, 1921

Name.	Country.	Labour or Transit.	Date of nomination.
MERZ, L.	Switzerland	Labour	Dec. 8th, 1921
MICELI, G.	Italy	,,	Oct. 20th, 1928
MILAN, P.	France	,,	Nov. 11th, 1921
MLYNARSKI, F.	Poland	,,	Dec. 7th, 1921
MUELLER, B.	Czechoslovakia	Transit	Nov. 15th, 1921
MUTO, S.	Japan	Labour	Nov. 11th, 1921
NEGRIS, C.	Greece	,,	April 9th, 1932
NEUMANN, Ch.	Hungary	Transit	May 4th, 1926
NICOLOFF, A.	Bulgaria	Labour	Jan. 2nd, 1922
NICOLTCHOFF, V.	,,	,,	Jan. 2nd, 1922
NIQUILLE	Switzerland	Transit	Jan. 6th, 1922
ORMAECHEA, R. G.	Spain	Labour	Nov. 21st, 1921
OYUELOS, R.	,,	,,	Nov. 21st, 1921
PALMGREN, A.	Finland	,,	Nov. 11th, 1921
PAULUKS, J.	Latvia	Transit	Sept. 28th, 1925
PELLES, G. S.	Brazil	Labour	Dec. 24th, 1921
PERASSI, T.	Italy	,,	Oct. 20th, 1928
PEREIRA, M. C. G.	Brazil	,,	Dec. 24th, 1921
PERIETZEANU, A.	Roumania	Transit	Nov. 24th, 1921
PERRETI, M. J.	Brazil	,,	Dec. 24th, 1921
PEYER, Ch.	Hungary	Labour	Jan. 1932
PHOCAS, D.	Greece	Transit	Dec. 23rd, 1921
PIERRARD, A.	Belgium	,,	Nov. 12th, 1925
POPESCU, G.	Roumania	,,	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	,,	—
RIBBING, S.	Sweden	,,	Nov. 25th, 1921
RIBEIRO, Ed.	Brazil	Transit	Dec. 24th, 1921
RINALDINI, Th.	Austria	,,	Nov. 14th, 1921
ROBERT, R.	Switzerland	Labour	April 9th, 1932
ROI, Aug.	Esthonia	,,	Jan. 31st, 1931
ROZE, Fr.	Latvia	,,	Aug. 12th, 1926
RUUD, N.	Norway	Transit	Nov. 10th, 1921
SCHEIKL, G.	Austria	,,	Nov. 14th, 1921
SCHRAFL	Switzerland	,,	Jan. 6th, 1922
SCHUMANS, V.	Latvia	Labour	Dec. 23rd, 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
SIMPSON, J.	Canada	Labour	April 9th, 1932
SLIZYS, Fr.	Lithuania	,,	July 5th, 1922
VAN SLOOTEN Azn, G.	Netherlands	Transit	April 1st, 1932
SMITH, G.	Norway	,,	Nov. 10th, 1921
SNELLMAN, K.	Finland	,,	Oct. 29th, 1921

Name.	Country.	Labour or Transit.	Date of nomination.
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	Transit	June 15th, 1929
TOTOMIS, M. D.	Greece	Labour	Feb. 17th, 1922
TYSZYNSKI, M. C.	Poland	Transit	Dec. 7th, 1921
URATNIK, F.	Yugoslavia	Labour	April 9th, 1932
URRUTIA, Fr.	Colombia	,,	—
VERKADE, A. E.	Netherlands	,,	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
WEBER, P.	Luxemburg	,,	Oct. 17th, 1931
WINIARSKI, B.	Poland	Transit	Dec. 7th, 1921
WREDE, G. O. A.	Finland	,,	Oct. 29th, 1921
YOSHIZAKA, Sh.	Japan	Labour	Nov. 4th, 1921
YOVANOVITCH, V.	Yugoslavia	,,	Nov. 11th, 1921
ZAGLENICZNY, J.	Poland	,,	Nov. 11th, 1921
ZUBIETA, J. A.	Panama	,,	Nov. 11th, 1921
ZULAWSKI, S.	Poland	,,	Nov. 11th, 1921

(7) EXPERTS.

Article 50 of the Statute provides that the Court may at any time entrust any individual, body, bureau, commission or other organization that it may select with the task of carrying out an enquiry or giving an expert opinion.

The Court has only availed itself of this right once, namely, in the case concerning the claim for indemnity in regard to the factory at Chorzów (merits) [1].

II.

THE REGISTRAR.

(See First Annual Report, p. 79.)

Present holder of the post:

M. ÅKE HAMMARSKJÖLD, Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of Sweden, Associate of the Institute of International Law.

He was appointed on February 3rd, 1922, and reelected on August 16th, 1929; his term of office expires on December 31st, 1936.

The Court has appointed as its Deputy-Registrar M. L. J. H. JORSTAD, head of division in the Norwegian Ministry of Foreign Affairs, who took up his duties on February 1st, 1931.

III.

THE REGISTRY.

(See First Annual Report, p. 79.)

The officials of the Registry (apart from auxiliary officials) are as follows:

[1] See, in the Fifth Annual Report, the summary of Judgment No. 13 of September 13th, 1928 (p. 183), and of the Orders of September 13th, 1928 (p. 196), and May 25th, 1929 (p. 200).

Name.	Date of appointment.	Nationality.
Deputy-Registrar :		
M. L. J. H. Jorstad	February 1st, 1931	Norwegian
Secretary to the Presidency :		
M. J. Garnier-Coignet, Principal Editing Secretary	March 1st, 1922	French
Editing Secretaries :		
Mr. C. Hardy	June 1st, 1922	British
Baron T. M. A. d'Honincthun	January 1st, 1925	French
Mr. G. de Janasz	January 1st, 1928	British
Mr. H. Wade	January 1st, 1931	,,
Count B. von Stauffenberg	(temporary)	German
Private Secretaries :		
Miss M. Recaño	March 1st, 1922	British
Mme C. Beelaerts van Blokland	March 1st, 1922	Dutch
Establishment :		
M. D. J. Bruinsma, Accountant-Establishment Officer, Head of Department	August 1st, 1922	Dutch
M. F. Beelaerts van Blokland	(temporary)	Dutch
Printing Department :		
M. M. J. Tercier, Head of Department	May 19th, 1924	Swiss
M. R. Knaap	January 1st, 1932	Dutch
Archives :		
Mlle L. Loeff, Head of Department	January 1st, 1925	Dutch
Miss A. Welsby	January 1st, 1927	British
Miss C. Olden	January 1st, 1929	Irish Free State
Mlle M. T. Loeff	January 1st, 1931	Dutch
Documents Department :		
M. J. Douma, Head of Department	January 1st, 1931	Dutch
Shorthand, typewriting and roneographing Department :		
Mlle J. Lamberts, Head of Department	March 1st, 1922	Belgian
Mlle M. Estoup, Verbatim Reporter	January 1st, 1927	French
Miss A. M. Driscoll	January 1st, 1930	British
Miss E. M. F. Fisher	January 1st, 1930	,,
Mme F. Lurié	January 1st, 1931	Belgian
Messengers :		
M. G. A. van Moort, Chief Messenger	March 1st, 1922	Dutch
M. Pronk	January 1st, 1929	,,
M. J. W. H. Janssen	January 1st, 1930	,,
M. van der Leeden	January 1st, 1929	,,

(See the "Synopsis of the Organization of the Registry of the Permanent Court of International Justice", reproduced on pp. 64 *et sqq.*, and the Plan reproduced on p. 69 of the Seventh Annual Report.) Organization of the Registry.

* * *

It was stated in the Seventh Annual Report that a "New Committee of Thirteen" had been instructed to examine certain questions which had been adjourned in the course of the previous proceedings, namely: "Administrative Results."

(1) the question of the Under-Secretaries-General;

(2) the question of the salaries, conditions of engagement, etc., of the Secretary-General, the Deputy-Secretary-General, the Under-Secretaries-General, the Directors and Treasurer;

(3) the question of the salaries of Heads of Section and of the Secretary-General's *Chef de cabinet*,

and on pages 72 and 73 were reproduced the passages in the report of the New Committee of Thirteen relating to the salaries of the Registrar of the Court and of the Deputy-Registrar. On receipt of this report, the Supervisory Commission, in so far as concerned the Registrar's salary, adopted the recommendations of the New Committee of Thirteen and recommended their adoption to the Council with which, under Article 32 of the Court's Statute, it rests to fix the salary of the Registrar of the Court. The scale contemplated by the Court which had been adopted by the Council subject to the approval by the Assembly of the necessary credits [1], consists in a salary of 27,000 florins rising to 32,000 florins by annual increments of 1,250 florins.

After considering the work of the New Committee of Thirteen, the Fourth Committee proposed the adoption by the Assembly of the following resolution:

"The Assembly,

Having examined the report and the minutes of the meetings of the Committee appointed by the Assembly at its eleventh session to consider: (1) the retention or elimination, the increase

[1] Resolution of May 21st, 1931.—See Seventh Annual Report, p. 73, note.

or reduction of the posts of Under-Secretaries-General, as well as the consequences resulting therefrom; (2) all cognate questions on the organization of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice which the Assembly had decided to adjourn in 1930:

(1) Adopts the present report;

(2) Decides that the framework of the higher ranks of the Secretariat should be provisionally maintained as it stands;

(3) Requests the Secretary-General to see that all new or renewed contracts concluded with the Deputy-Secretary-General or the Under-Secretaries-General:

(*a*) should have a maximum duration of three years;

(*b*) should contain a clause under which they may be denounced within a period of one year from the date on which the Secretary-General officially notifies the Council of his intention of resigning, this denunciation only to take effect as from the date on which the new Secretary-General assumes his duties or in the year following;

(4) Is of opinion that, in regard to the appointment or promotion of officials to one of the higher posts in the Secretariat, the first and foremost consideration must be the knowledge and capacity of the candidate, which must be in keeping with the duties he will be called upon to fulfil, account being taken, however, in such choice of the different forms of national civilization;

(5) Approves the conclusions of the present report in regard to the salaries and conditions of engagement of the Secretary-General, the Deputy-Secretary-General, the Under-Secretaries-General, the Registrar of the Permanent Court of International Justice, the Directors, the Treasurer, the Secretary-General's *Chef de cabinet*, the Chiefs of Section and the Deputy-Registrar of the Court."

The draft resolution was accompanied by a written report and formed the subject also of an oral report. The written report contains the following passages in regard to the Registrar's salary:

"As regards the Registrar of the Permanent Court of International Justice, an important discussion took place on the application of Article 32 of the Statute of the Court, which states that the salary of the Registrar shall be decided by the Council upon the proposal of the Court. Some delegates and the Chairman of the Supervisory Commission, while recognizing with the Committee of Thirteen that this provision is not open to objection, maintained, in agreement with the Registrar of the Court, that it does not invalidate the sovereign right of the Assembly on budgetary matters. This right had, moreover, been recognized and respected by the Council, since it consulted the Supervisory Commission beforehand, and its decision was conditional on the approval of the necessary credits by the Assembly. Since the application of the new scale from January 1st, 1930, made it necessary to include a credit of 7,500 florins in the budget, the

Fourth Committee, in confirming the above interpretation, referred the question to the Supervisory Commission. At the meeting of the Fourth Committee during which this question was taken up, the Registrar of the Court spontaneously renounced the amount entered in the supplementary budget for 1932, thus allowing the credit to be cancelled."

The question of the new scale of salary applicable to the Court's Deputy-Registrar, consideration of the salary of Counsellors [1] and the question of septennial leave for officials of the First Division were postponed by the Fourth Committee until the following year.

As regards the salaries of officials with whom future contracts of appointment are concluded, the Fourth Committee says in its report on financial questions (the conclusions of which were adopted by the Assembly at its meeting on September 29th, 1931) that the Secretary-General accepted a proposal to the effect that in the contracts of appointment a clause should be inserted to the effect that the salaries may be modified by a decision of the Assembly. A clause to this effect has been inserted in new contracts of appointment concluded by the Registry of the Court.

* * *

Pensions for officials of the Registry.

The Seventh Annual Report mentions that the Regulations establishing a system of Pensions for the Staff [2] came into force on January 1st, 1931, and summarizes the most important of these Regulations.

The Administrative Board provided for by the Regulations which is to administer the Pensions Fund, has held several sessions since its institution. It has adopted rules of proce-

[1] In its report, the Committee of Thirteen had recommended the creation of eight special posts as "Counsellors of the Secretariat", to be conferred, under certain conditions, upon members of sections. The Eleventh Assembly, upon the report of its Fourth Committee, adopted this proposal but adjourned "until the following year" the question of special increases of salary to be allocated to these posts.

The organization of the Registry of the Court, to which the principles formulated by the Committee of Thirteen and approved by the Eleventh Assembly have been adapted, permits in certain circumstances the allocation of two posts of this category, one of which was filled by a decision taken by the Court on January 23rd, 1931. The title assigned to the new category was that of Principal Editing Secretary.

[2] See Sixth Annual Report, pp. 46 *et sqq.*

dure and administrative rules [1], with a view to the carrying out of the provisions of the Staff Pensions Regulations, in conformity with Article 25 of those Regulations. It suggested to the Assembly the adoption of certain amendments to the Staff Pensions Regulations. These amendments, which the Assembly adopted by a Resolution dated September 29th, 1931, related more particularly to the composition of the Administrative Board on which are to be the Treasurer of the League of Nations and three members (instead of two) elected by the officials subject to the Pensions Regulations. The resolution also fixes the League of Nation's contribution to the Pensions Fund for 1932, like that for 1931, at 9% of the salaries subject to deductions.

On January 29th, 1932, the Administrative Board adopted rules for the election of the representatives of the members of the Pensions Fund on the Board. The participation of officials of the Registry who are members of the Pensions Fund was secured by a provision in paragraph 4 of these rules to the effect that the Staff Committee of the Secretariat and International Labour Office must consult the Staff of the Registry before nominating candidates for three posts as full members of the Administrative Board and three as substitute members. Furthermore, like other members of the Fund, officials of the Registry have the right to nominate other candidates. The first elections in accordance with these rules took place this year.

* * *

Regulations for the Staff of the Registry.

(See Seventh Annual Report, pp. 75-81.)

* * *

The Administrative Tribunal of the League of Nations.

(See Third Annual Report, p. 32, and Fourth Annual Report, p. 52.)

For 1932, the Administrative Tribunal of the League of Nations is composed as follows:

[1] See League of Nations Document A. 20. 1931. Annex.

Judges :

M. Montagna (Italian), *President,*
M. Froelich (German), *Vice-President,*
M. Devèze (Belgian).

Deputy-Judges :

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

In pursuance of a Resolution of the Assembly, dated September 26th, 1926, the Administrative Tribunal of the League of Nations was established to deal with complaints from officials of the Secretariat of the League of Nations and of the International Labour Office with regard to the application of their contracts. Officials of the Registry of the Permanent Court of International Justice—in respect of whose rights the Court itself is the competent authority—have no access to this Tribunal unless otherwise desired by the Court.

Nevertheless, under the Regulations instituting a system of pensions, which came into force on January 1st, 1931, the Administrative Tribunal has jurisdiction to deal with all disputes relative to pensions, in the case not only of officials of the Secretariat and of the International Labour Office, but also of those of the Registry.

IV.

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

(See First Annual Report, pp. 103-104, Fourth Annual Report, pp. 53-63, and Sixth Annual Report, p. 49.)

V.

PREMISES.

(See First Annual Report, pp. 104-119, Second Annual Report, pp. 42-43, Fourth Annual Report, pp. 63-70, Fifth

Annual Report, pp. 78-80, Sixth Annual Report, pp. 50-51, and Seventh Annual Report, pp. 82-83.)

The Seventh Annual Report mentioned the provisional plan submitted by the Carnegie Foundation in April, 1931, for the enlargement of the premises at the Court's disposal in the Palace. At its 41st session, the Supervisory Commission did not feel able to recommend the acceptance of this proposal, and it requested the Secretary-General to enter into negotiations on the subject. In the course of these negotiations, certain modifications were made in the Carnegie Foundation's provisional plan.

In May 1932, the Supervisory Commission again considered the question and approved the proposals of the Foundation as thus modified. The Commission's report [1] contains the following passage on the subject:

"At a session which it held in April-May 1931, the Commission had before it a proposal by the Netherlands Carnegie Foundation concerning the conditions under which the Foundation would be prepared to make the necessary arrangements for providing the Permanent Court of International Justice with additional premises in the Peace Palace at The Hague. The contemplated development of the premises at the disposal of the Court had been envisaged since 1926 and had become indispensable as a result of the increase in the Court's work and in the number of judges which had recently occurred. The Commission felt unable to recommend acceptance of the Carnegie Foundation's proposals and asked the Secretary-General to enter into negotiations on the question.

The results of these negotiations were placed before the Commission at its present session. After hearing the Registrar of the Court, and in view of the opinion expressed by the Secretary-General of the League to the effect that, having regard to all the circumstances, the better solution would be to accept the proposals of the Carnegie Foundation as modified as a result of the negotiations, the Commission sanctioned the inclusion in the Court's budget of one item intended to allow of the carrying into effect of those proposals and another item calculated to cover the cost of furnishing the new premises to be placed at the disposal of the Court. Accordingly, the Commission also recommends in principle to the Assembly the adoption of the said proposals. It has requested the Secretary-General to take the necessary steps with a view to the submission to the Assembly of an agreed document embodying the precise terms of the proposals and reproducing the correspondence which has passed on the subject between the Secretary-General and the Carnegie Foundation.

The proposals of the Carnegie Foundation have been made possible by the offer of the Netherlands Government to make, to

[1] League of Nations Document A. 5. 1932. X.—Geneva, May 2nd, 1932.

the Foundation, subject to the necessary Parliamentary sanction, a loan, without interest, to be repaid over a period of years out of annual payments of 10,000 florins to be made by the League to the Foundation. The Supervisory Commission desires to express its appreciation of the assistance thus generously offered by the Netherlands Government towards a solution of the problem of the housing of the Court in the Peace Palace."

Complying with the request of the Supervisory Commission, the Secretary-General, on May 7th, 1932, sent the following letter to the President of the Carnegie Foundation:

"Sir,

In response to the suggestion which I ventured to make to you on September 30th, 1929, to the effect that the Carnegie Foundation might see fit to consider somewhat beforehand what arrangements could be made with a view to allocating to the Permanent Court of International Justice, as from January 1st, 1931, additional premises in the Peace Palace, you were good enough to send me certain proposals in your letter of April 23rd, 1931.

These proposals, which were intended, in certain circumstances, for submission to the Assembly for its approval, were in the first place discussed by the Supervisory Commission. Following up this discussion, I sent you, on August 21st, 1931, a note in which, in conformity with the attitude taken up by the Commission, I made in regard to the Foundation's proposals certain observations and suggestions of which I venture to refer to the following:

(1) The competent authorities of the League of Nations were not in possession of the information necessary to enable them to appreciate the claim of the Academy of International Law to accommodation in the Palace or whether, if the premises at present occupied by it were allocated to the Court, it would be unable to find elsewhere, in the Palace itself, the premises needed for its work.

(2) The question arose whether the League of Nations could accept responsibility for the cost of a scheme whereby premises more extensive than those transferred to the Court would be allocated to the Academy or whether, in any event, premises or other facilities, by way of compensation for any such increase in the accommodation given to the Academy, should not be given to the Court.

(3) Lastly, I suggested that, should the Court leave the Peace Palace, there should be a settlement, if necessary by arbitration, between the Foundation and the League of Nations, covering both the contemplated new expenditure on reconstruction and that provided for in 1928-1929, under which the sum remaining to the charge of the League, at the time of the Court's departure, should be reduced by such amount as might be found represent the increase in the value of the Foundation's property.

In a letter of March 29th last, you were good enough to send me your answer to these observations and suggestions.

I feel it incumbent on me to allude to two ideas of a general nature on which your answer appears to be based, namely, that the discussions at present in progress concerning the granting to the Court of additional premises is the outcome of fresh demands made by the latter and that the Court is enjoying hospitality extended to it by the Carnegie Foundation.

In regard to the first of these points, I venture to remind you that as long ago as March 20th, 1926, the Court officially informed you that it needed twenty-five more rooms than it then had; the reconstruction carried out in 1928-1929 only increased by fifteen the rooms placed at the Court's permanent disposal, so that the reconstruction now contemplated would merely approximately complete the programme envisaged as early as 1926.

In regard to the second point, you will remember that the invitation to the Court to establish itself in the Peace Palace—an invitation addressed to the League of Nations—was based on an interpretation of the will of the late Mr. Carnegie, and that it was in consideration of this interpretation, which was placed on record by your predecessor in his declaration of November 29th, 1921, that the League accepted this invitation which moreover—unlike the invitation addressed to the Academy—was extended in consideration of payment.

I am obliged to lay stress on these two points because they are fundamental to a proper appreciation of the factors which must serve as the basis of any new arrangement and more especially because a proper view of them precludes the acceptance of the Foundation's alternative suggestion, namely, that the arrangement might, if necessary, take the form of a lease.

To return to the Foundation's main proposal, I have duly resubmitted it to the Supervisory Commission. The latter has not substantially modified the view which it expressed a year ago in regard to the proposal then before it, a view which is stated in the extract from its report reproduced in my letter of August 21st, 1931. Nevertheless, it has consented to the inclusion in the Court's budget for 1933 of a credit intended to enable the Foundation's new proposal to be carried out, provided that it is approved by the Assembly.

It follows that the Supervisory Commission is prepared to recommend the Assembly, in principle, to adopt the Foundation's proposal as set out in your letters of April 23rd, 1931, and March 29th, 1932. It has adopted this attitude mainly in view of the two following circumstances: the settlement of the question of the allocation to the Court of additional premises cannot be deferred any longer; and the provision to the effect that the seat of the Court is to be established at The Hague appears both in the original Statute and in the revised Statute of the Court. This consent however does not mean that the Commission has accepted the various arguments put forward in your note of March 29th last or that it considers that it has obtained satisfaction in regard to the points raised by it in May 1931, to which I referred in my letter of August 21st, 1931.

I do not however think it either useful or desirable at the present stage to set out in detail the views of the Commission on these points or to re-open the discussion.

In view of the attitude adopted by the Commission with regard to the main question, it appears to me that it would be sufficient —but at the same time necessary—to draw up as soon as possible a document formulating in precise terms the proposal contained in your letter of April 23rd, 1931, and amended by your letter of March 29th, 1932; the terms of this document, which would have to be signed on behalf of the Foundation and of the League of Nations, would take effect at once if adopted by the Assembly.

In order that the problem of the accommodation of the Court may be settled for as long a period as possible by the contemplated arrangement, the Supervisory Commission considers that the two following points should be dealt with at the same time:

(1) In order that the refectory—the Commission noted with satisfaction the Foundation's offer to include this amongst the premises the permanent use of which is reserved to the Court—and the adjacent premises connected therewith may be of real use to the Court, means should be considered for placing these premises in direct communication with the lift which connects the various floors on which are situated the premises allotted to the Court.

(2) The relevant clause of the arrangement in force between the Foundation and the League of Nations shall be so interpreted as to make it clear that, when the Court asks for the use of the rooms of which, under that arrangement, it has joint use, this use shall not, as at present, be subject in principle, as regards its duration, to a reservation respecting the desire of some other institutions to make use of them.

I should be obliged if you could send me in due time a draft of the document above mentioned, and I should be glad if, in preparing this document, you would be so good as to bear in mind the two points I have indicated to you.

No doubt you will agree with me that, together with this document, a copy of the plans and estimates for the new construction contemplated with a view to providing the Court with new premises in the Peace Palace should also be signed, it being understood that, thereafter, these plans and estimates could only be modified by agreement between the signatories.

Lastly, I venture to draw your kind attention to the last lines of my letter of November 4th, 1931, in which I said that the requisite preparations should be made so that, if necessary, it would be possible to begin the projected work—in so far as the installation of new premises for the Court is concerned—immediately after the next session of the Assembly. It is in fact highly desirable that it should be possible to place these premises at the Court's disposal by February 1st, 1933.

You will find enclosed herewith an extract from the report to be submitted to the next Assembly by the Supervisory Commission which relates to the question forming the subject of this letter."

On August 1st, 1932, the Secretary-General had not yet received an answer to this letter.

* * *

Library.

It was stated in the Seventh Annual Report that a credit of Fl. 10,000 was approved by the Eleventh Assembly for the use of the Court [1] with a view to enabling it to supplement the Peace Palace Library by the acquisition, on its own account, of works which are authoritative in the various countries and relating to the different systems of municipal law and to the theory of law. On pages 85-87 of the Seventh Annual Report was reproduced an agreement concluded between the Secretary-General of the League of Nations and the Carnegie Foundation concerning the utilization of the credit and supplementing the agreement of February 12th, 1924. Finally, the Seventh Annual Report mentioned the formation of a Library Committee.

Since its formation, the Committee has held five meetings (Feb. 21st, May 15th, Sept. 3rd, Nov. 13th, 1931, and March 8th, 1932). In accordance with its decisions, the Registrar approached members of the Court, as concerns the countries of which they are nationals, and other competent persons, in the case of other countries, requesting them to indicate the works which are authoritative in their respective countries in the fields above mentioned. To this request, the Registrar appended a list of the works already in the Peace Palace Library. On the basis of the information thus obtained, proposed lists of purchases are prepared for consideration by the Committee.

Replies have been received in respect of the following countries: South Africa, Albania, United States of America, Austria, Belgium, Bolivia, Brazil, Bulgaria, China, Colombia, Cuba, Czechoslovakia, Denmark, Danzig, Esthonia, Ethiopia, Finland, France, Germany, Great Britain, Greece, Hungary, British India, Ireland, Italy, Luxemburg, Mexico, the Netherlands, Norway, New Zealand, Panama, Poland, Portugal, Salvador, Spain, Sweden, Switzerland, Turkey and Uruguay.

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[1] The credit had to be repeated in 1932 because it was impossible in 1931 to effect all the acquisitions envisaged. (See Budget of the Court, 1932, League of Nations *Official Journal*, 1931, p. 1977; see also note on Art. 12, Ch. V: Library, p. 1985.)

The works acquired as a result of the decisions of the Library Committee have been placed in the Peace Palace Library in accordance with the contract in force (see pp. 85-86 of Seventh Annual Report).

At its last meeting (March 8th, 1932) the Library Committee decided upon the purchase of the most important and most complete collections of law reports of certain countries. The Registrar adopted the method mentioned above in order to obtain the titles of the best works.

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, 1932, fifty-five States or Members of the League of Nations had signed the Protocol of Signature of the Statute, dated Geneva, December 16th, 1920, drawn up in accordance with the Assembly decision of December 13th, 1920, and which remains open for signature by the States mentioned in the Annex to the Covenant [1]. The signatory States are:

Union of South Africa, Albania, United States of America, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica [2], Cuba, Czechoslovakia, Denmark, Dominican Republic, Esthonia, Ethiopia, Finland, France, Germany, Great Britain, Greece, Guatemala, Haiti, Hungary, India, Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, Netherlands, New Zealand, Nicaragua,

[1] The States mentioned in the Annex to the Covenant of the League of Nations and which, on June 15th, 1932, had not signed the Protocol of Signature of the Statute, are: Ecuador, the Hedjaz, Honduras and the Argentine.

[2] Costa Rica, on December 24th, 1924, notified the Secretary-General of her decision to withdraw from the League of Nations; this decision was to take effect as from January 1st, 1927; before that date Costa Rica had not ratified the Protocol of Signature of the Statute. Furthermore, Costa Rica is not mentioned in the Annex to the Covenant of the League of Nations. This would seem to lead to the conclusion that the engagement resulting for Costa Rica from her signature of the Protocol of December 16th, 1920, has lapsed.

Norway, Panama, Paraguay, Persia, Peru, Poland, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, Venezuela, Yugoslavia.

Ratifications.

All the above States have ratified except:

United States of America, Bolivia, Costa Rica, Dominican Republic, Guatemala, Liberia, Nicaragua, Paraguay.

* * *

Revision of the Statute.

(See Sixth Annual Report, pp. 56-98, and Seventh Annual Report, pp. 90-104.)

An account was given in the Seventh Annual Report of the difficulties which arose in consequence of the fact that on September 1st, 1930, the date fixed for the entry into force of the Protocol concerning the revision of the Court's Statute, the requisite conditions had not been fulfilled, and on pages 96 *et sqq.* were reproduced the resolutions adopted by the Assembly at its Eleventh Session to meet this situation.

At its Twelfth Session, a proposal was laid before the Assembly by the Swedish, Dutch, Norwegian, Japanese, Danish, Spanish and Finnish delegations regarding the question of the entry into force of the Protocol concerning the revision of the Court's Statute. This question was referred to the First Committee, which considered it and instructed M. Pilotti to make an oral report on its behalf to the Assembly. This report (meeting of September 25th, 1931) summarized the situation as follows:

"Although the Protocol of September 14th, 1929, did not enter into force on the date originally contemplated (par. 4), the Assembly last year accepted the view that it could subsequently come into force, if the necessary ratifications were received.

One of the resolutions regarding the Permanent Court which were adopted by the Assembly on September 25th, 1930, asked the Court to take certain action as regards its sessions and the attendance of judges 'pending the entry into force of the Protocol'. The Court acceded to this request and, at the beginning of this year, made certain slight amendments to its Rules.

Another of these resolutions invited the States which had not yet done so to ratify the Protocol. In his oral statement to the Assembly, the Rapporteur of the First Committee indicated that

the ratifications necessary would be those of all the States which had ratified the Protocol of Signature of the Court's Statute of December 16th, 1920. It should be noted, further, that paragraph 7 of the Protocol provides:

> 'For the purposes of the present Protocol, the United States of America shall be in the same position as a State which has ratified the Protocol of December 16th, 1920.'

What is the present position with regard to the ratifications? Thirty-eight Members of the League have so far ratified both Protocols; the ratification of Cuba is, however, subject to reservations as stated below.

The Members of the League and non-Member States which have ratified the Protocol of 1920 but have not yet ratified that of 1929, are the following: Brazil, Chile, Ethiopia, Lithuania, Panama, Uruguay and Venezuela.

It should be pointed out that all these States have signed the Protocol of 1929, with the exception of Ethiopia.

The following Members of the League have not ratified either Protocol, but, with the exception of the Argentine and Honduras, they have signed the Protocol of 1929: Argentine, Bolivia, Colombia, Dominican Republic, Guatemala, Honduras, Nicaragua, Paraguay and Peru.

The United States of America have signed, but not yet ratified, the Protocol of 1920 and that of 1929.

The Cuban ratification of the Protocol of 1929 was subject to reservations: (*a*) regarding paragraph 4 of the Protocol relating to its entry into force on September 1st, 1930, if the States whose ratification was necessary, but which had not yet ratified, gave their consent; and (*b*) regarding the new text of Article 23 of the Court's Statute.

The new text of Article 23 of the Court's Statute deals, as the Assembly will remember, with the abolition of the former sessions of the Court—that is to say, the Court will sit practically all the year round, except during the annual vacation.

In the letter forwarding the instrument of ratification to the Secretary-General, the Cuban Government made the following declaration:

> 'I have, at the same time, the honour to inform you that the Cuban Government consider that the Protocol will not affect the position of judges already elected, and to request you to take notice thereof.'

I would remind the Assembly that the question referred to in this declaration had already been raised by other States, and that it had been agreed that it could only be decided by the Court. Consequently, the declaration does not really embody a reservation.

In execution of the instructions given to him by the Council's Resolution of June 17th, 1927, in regard to reservations attached to a ratification of a convention and not provided for by the terms of the convention, the Secretary-General, by a letter of January 22nd, 1931, invited the other governments concerned to inform him whether they were able to accept the reservations made by

Cuba. He at the same time informed them of the declaration made by the Cuban Government. In view of the nature of the Protocol, and the provisions of its seventh paragraph, the letter was addressed to all the Members of the League, Brazil and the United States of America.

The replies to this letter which had been received up to the date of the present report may be summarized as follows:

(1) No objection has been raised to the reservation of paragraph 4 of the Protocol.

(2) The declaration of the Cuban Government is regarded as referring to a matter which the Assembly last year considered to lie within the competence of the Court itself.

(3) As regards the reservation of the new text of Article 23 of the Court's Statute, the replies which have been received at the date of the present report show that a large number of Members of the League of Nations which have ratified the Protocol do not feel able to accept the reservation, and that, accordingly, its maintenance would endanger the coming into force of the Protocol.

It is therefore with particular satisfaction that the First Committee welcomed the following statement which was submitted to it by M. Ferrara, first delegate of Cuba:

'If, as seems likely from the information which you have, Cuba is asked to withdraw its reservation upon the Convention dealing with the new Statute of the Permanent Court, we request you to state that the Government, having regard to the situation which you anticipate, would be disposed to ask the Senate to withdraw the reservations, and that this attitude does not arise from a change of view, but is due to its desire to contribute wholeheartedly to the development of the League of Nations and of its organs. The Chairman of the Committee of the Senate on Foreign Affairs, who has been consulted, has given a favourable reply.'

In this connection, the first delegate of Cuba pointed out that all that really remained of his Government's reservations, was the non-admission of the principle adopted in 1929 with regard to the putting into force of the Convention by presumed ratifications on September 1st, 1930.

Further, the delegate of Chile informed the Committee that his Government had felt that it should await the discussion at the Assembly of the reservations made by the Government of Cuba before pronouncing upon the ratification of the Protocol. He added that the Chilian delegation had felt particular satisfaction in noting the declaration made in the name of the Government of Cuba, which made it possible to hope that the latter Government would withdraw its reservation at a very early date, which would facilitate the decision to be taken by the Government of Chile.

In view of these considerations, the First Committee proposes that the Assembly should adopt the following draft resolution:

'The Assembly,

Notes with satisfaction that the Protocol of September 14th, 1929, concerning the revision of the Statute of the Permanent

Court of International Justice, has now obtained almost all the ratifications necessary to bring it into force;

Notes, however, that the ratification of Cuba is subject to a reservation which other States that have ratified the Protocol have not felt able to accept;

Considers that a reservation can only be made at the moment of the ratification if all the other signatory States agree or if such a reservation has been provided for in the text of the convention;

Takes note that the Cuban Government has, through its first delegate, declared that it contemplates the withdrawal of the said reservation and expresses its thanks to the Cuban Government for the spirit of conciliation which it has shown in the matter;

Reaffirms the hope which it expressed at its last session that the States which have not so far ratified the Protocol will proceed to do so as soon as possible; and

Instructs the Secretary-General to present to the Assembly, for consideration at its next session, a statement showing the ratifications received by the Protocol of September 14th, 1929.' "

This report and the draft resolution were adopted by the Assembly without discussion.

Since that time, Cuba has actually withdrawn her reservations by means of an instrument dated February 8th, 1932, and filed with the Secretariat of the League of Nations on March 14th, 1932. Accordingly, Cuba's ratification is now fully effective. Furthermore, on January 6th, 1932, Colombia ratified the Protocol of Signature and the Protocol concerning the revision of the Court's Statute. Also, on March 29th, 1932, Peru ratified the Protocol of Signature, without however at the same time ratifying the Revision Protocol. Lastly, on April 15th, 1932, Ethiopia signed the Revision Protocol.

On June 15th, 1932, the Protocol of Revision of September 14th, 1929, had been signed by the following States: Union of South Africa, Albania, United States of America, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Esthonia, Ethiopia, Finland, France, Germany, Great Britain and Northern Ireland, Greece, Guatemala, Haiti, Hungary, India, Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Persia, Peru, Poland, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, Venezuela, Yugoslavia.

All these States have ratified, except: the United States of America, Bolivia, Brazil, Chile, Dominican Republic, Ethiopia, Guatemala, Lithuania, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

The ratifications of eight of these signatories, namely, Brazil, Chile, Ethiopia, Lithuania, Panama, Peru, Uruguay and Venezuela, are required for the entry into force of the Protocol[1].

II.

THE RULES OF COURT.

(1) *Preparation of the Rules.*

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

The minutes with annexes of the meetings of the Preliminary Session of the Court devoted to the preparation of the Rules of Court (January 30th—March 24th, 1922) have been published in Series D., No. 2, of the Court's Publications.

(2) *Revision of the Rules.*

(See Third Annual Report, pp. 36-37, Fourth Annual Report, pp. 72-78, and Seventh Annual Report, pp. 105-109.)

Revision of July 1926.

The Rules as revised in 1926 are reproduced in Series D., No. 1. The minutes of meetings relating to the revision of the Rules have been published in the form of a First Addendum to Volume No. 2 of Series D. (Preparation of the Rules); this addendum also contains notes, observations and suggestions submitted on the subject by members of the Court.

Further, Article 71 of the Revised Rules was amended in September 1927 (extension to advisory procedure of the

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[1] The point of view of the Government of the United States as regards the putting into force of the amendments to the Statute of the Court was expressed by the Secretary of State in a letter of June 25th, 1930, to the Secretary-General of the League, to the following effect: "The Secretary of State .... perceives no reason to object to the coming into force, between such nations as may have become parties thereto, of the amendments to the Statute of the Permanent Court of International Justice as set out in the annex to the Protocol dated September 14th, 1929, which have not been ratified by the United States."

provisions regarding the appointment of judges *ad hoc*). The Fourth Annual Report (pp. 72-78) reproduces the documents and extracts from minutes of meetings of the Court relating to this amendment.

Modifications in January-February 1931.

Finally, in deference to the desire expressed by the Assembly (Resolution of September 25th, 1930) that the Court should give consideration to the possibility of regulating "the questions of the sessions of the Court and the attendance of judges", the Court modified the Rules at its Twentieth Session (January 15th—February 21st, 1931).

The text of the Rules of Court, amended during the session of January-February 1931, is reproduced in the second edition (1931) of Volume No. 1 of Series D. of the Court's Publications. The minutes of meetings devoted by the Court to the amendment of the Rules have been published in the form of a Second Addendum to Volume No. 2 of Series D.

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Committees for the examination of the Rules with a view to revision.

As stated in the Seventh Annual Report, the Court has considered it desirable to undertake a methodical examination of the Rules with a view to their general revision and, with this object, has determined the subjects to be examined and decided to form four committees and a co-ordinating committee which will propose to the Court such modifications as they consider desirable; but the committees have not proceeded far with their work whilst still waiting to know whether the revised Statute is to come into force.

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 [1].

[1] It should be mentioned here that on several occasions the Court has recognized, in connection with cases brought before it by unilateral application, that it might derive jurisdiction from an agreement concluded between the Parties during the proceedings, since acceptance of the Court's jurisdiction was not, under the Statute, subordinated to the observance of certain forms, such as, for instance, the previous conclusion of a special agreement (Judgment No. 12). Again, in Judgment No. 4 (Interpretation of Judgment No. 3), the Court stated that it had jurisdiction as the result of the agreement of the Parties, so that there was no need to consider whether the requisite jurisdiction could be based exclusively on the unilateral request addressed to it. Similarly, in the case of the Mavrommatis Jerusalem Concessions (Judgment No. 5), the Court regarded itself as deriving jurisdiction to deal with certain questions, not from Article 26 of the Palestine Mandate, but from an agreement between the Parties resulting from the written proceedings. Finally, the same principle was applied by the Court

The table hereafter gives the list of cases which have been submitted to the Court by special agreement; the Parties to the case as well as the date of the special agreement are also indicated in the table.

CASES SUBMITTED BY SPECIAL AGREEMENT.

No. in General List.	Name of the case.	Parties.	Date of special agreement.
11	Interpretation of paragraph 4 of the Annex following Article 179 of the Treaty of Neuilly [1]	Bulgaria and Greece	March 18th, 1924
24	Case of the S/S *Lotus* [2]	France and Turkey	Oct. 12th, 1926
32	Free zones of Upper Savoy and the District of Gex [3]	France and Switzerland	Oct. 30th, 1924
33	Brazilian Federal loans issued in France [4]	Brazil and France	Aug. 27th, 1927
34	Serbian loans issued in France [5]	France and Yugoslavia	April 19th, 1928
36	Territorial jurisdiction of the International Commission of the River Oder [6]	Great Britain and Northern Ireland, Czechoslovakia, Denmark, France, Germany and Sweden, *and* Poland	Oct. 30th, 1928
46	Territorial waters between Castellorizo and Anatolia.	Italy and Turkey	May 30th, 1929

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in the case concerning rights of minorities in Polish Upper Silesia (Judgment No. 12) (where the Court stated that the consent of a State to the submission of a dispute to it might not only result from an express declaration, but might also be inferred from acts conclusively establishing it). See also Chapter VI of this volume, under Statute, Article 36, p. 255.

[1] See First Annual Report, p. 180.

[2] „ Fourth „ „ „ 166.

[3] „ Sixth „ „ „ 201, for a summary of the order made by the Court on August 19th, 1929; Seventh Annual Report, p. 233, for a summary of the order of December 6th, 1930; and the present volume, p. 191, for a summary of the Judgment of June 7th, 1932.

[4] See Fifth Annual Report, p. 216.

[5] „ „ „ „ „ 205.

[6] „ Sixth „ „ „ 213.

Jurisdiction under treaties and conventions.

As regards treaties and conventions in force, there is a special publication of the Court entitled *Collection of Texts governing the jurisdiction of the Court*, which enumerates them and, in the case of instruments for the pacific settlement of disputes, reproduces the complete text, and in the case of other instruments, extracts from the relevant portions. This publication, of which the fourth edition, brought up to date and completed, appeared at the beginning of the present year [1], is based entirely on official information of two different kinds: official publications issued either by the League of Nations or its organizations, or by the various governments; direct communications from the same sources.

In order to make the fourth edition of the *Collection of Texts* as complete and correct as possible, the Registrar, on October 5th, 1931, wrote to the governments of States entitled to appear before the Court. He appended to his letter a list of the instruments to be included in the *Collection*, requesting the governments if necessary to complete this list. As a result of this communication, the governments of the States enumerated below sent to the Registry, either additional information which was duly noted, or a statement to the effect that, so far as the particular government was concerned, the list of instruments for inclusion in the new *Collection* was complete:

Union of South Africa, Albania, Argentine, Austria, Belgium, Brazil, Bulgaria, Chile, China, Cuba, Czechoslovakia, Danzig, Denmark, Egypt, Esthonia, Finland, France, Germany, Great Britain, Greece, Guatemala, Hungary, India, Italy, Latvia, Lithuania, Luxemburg, Mexico, Netherlands, Nicaragua, Norway, Poland, Portugal, Salvador, Siam, Spain, Sweden, Switzerland, Turkey and Uruguay.

Moreover, it should be observed that on March 24th, 1927, the Registrar of the Court asked all governments entitled to appear before the Court regularly to transmit to the Registry the text of new agreements concluded by them and containing clauses relating to the Court's jurisdiction. On June 5th, 1928, a reminder was sent to those governments which had

[1] The first edition of this publication appeared on May 15th, 1923 (Series D., No. 3). The second edition is dated June, 1924 (Series D., No. 4), and the third, December 15th, 1926 (Series D., No. 5). The fourth edition is dated January 31st, 1932 (Series D., No. 6).

not yet replied on that date. On June 15th, 1932, the following States had accepted the suggestion made:

Spain, Netherlands, Monaco, Austria, Germany, Russia, Norway, Italy, Turkey, Great Britain, Switzerland, Finland, Mexico, Esthonia, China, Belgium, Peru, United States of America, Siam, Sweden, New Zealand, Czechoslovakia, Hungary, Latvia, India, Denmark, Poland (for Poland and for the Free City of Danzig), Egypt, France, Panama, Chile, Ecuador, Brazil, Venezuela, Colombia, Union of South Africa, Lithuania, Luxemburg.

The instruments which had come to the knowledge of the Registry on June 15th, 1932, may be divided into several categories [1]:

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. 40-42.)

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. 42-43.)

D.—*General International Agreements.*

The general international agreements which had come to the knowledge of the Registry on June 15th, 1931, are indicated in the Third Annual Report (pp. 44-46), the Fourth Annual Report (p. 81), the Fifth Annual Report (p. 98), the Sixth Annual Report (p. 104) and the Seventh Annual Report (p. 114). As on June 15th, 1932, the following are to be added:

Protocol conferring on the Permanent Court of International Justice jurisdiction to interpret the Hague Conventions of private international law, signed at The Hague on March 27th, 1931.

[1] See pages 71-110 of this volume for a list in chronological order of these instruments.

Convention for limiting the manufacture and regulating the distribution of narcotic drugs, concluded at Geneva on July 13th, 1931.

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 difficulty relating to the interpretation of conventions concluded, after coming into force of the treaties and in pursuance of the Part entitled "Labour", by the Members of the International Labour Organization. At the Fifteenth Labour Conference (Geneva, 1931) [1], the following convention was adopted:

Convention limiting hours of work in coal mines.

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

The list of agreements of this nature which had come to the knowledge of the Registry on June 15th, 1931, is given in the Fourth Annual Report (pp. 81-85), the Fifth Annual Report (pp. 99-100), the Sixth Annual Report (pp. 105-106) and the Seventh Annual Report (pp. 114-115). As on June 15th, 1932, the following are to be added, which, together with those contained in the Fourth, Fifth, Sixth and Seventh Annual Reports, affect forty-two Powers:

Convention regarding conditions of residence and commerce between Albania and Switzerland.—Rome, June 10th, 1929.

Commercial Convention between Cuba and France.—Paris, November 6th, 1929.

Agreement regarding the final discharge of the financial obligations of Austria.—The Hague, January 20th, 1930.

Agreement regarding the settlement of Bulgarian reparations. —The Hague, January 20th, 1930.

[1] See Third Annual Report (pp. 45-46), Fourth Annual Report (p. 81), Fifth Annual Report (p. 99), Sixth Annual Report (p. 104) and Seventh Annual Report (p. 114), for the conventions adopted at the first fourteen Labour Conferences.

Convention respecting the Bank for International Settlements between Belgium, France, Germany, Great Britain, Italy, Japan and Switzerland.—The Hague, January 20th, 1930.

Convention of commerce and navigation between Greece and Poland.—Warsaw, April 10th, 1930.

Treaty of commerce between the Netherlands and Switzerland.—The Hague, May 26th, 1930.

Commercial Convention between Greece and Hungary.—Athens, June 3rd, 1930.

Treaty of commerce and navigation between Denmark and Lithuania.—Kovno, June 21st, 1930.

Treaty of commerce and navigation between Czechoslovakia and Roumania.—Štrbské Pleso, June 27th, 1930.

Treaty of commerce and navigation between Great Britain and Roumania.—London, August 6th, 1930.

Treaty of friendship and commerce between Siam and Switzerland.—Tokio, May 28th, 1931.

Treaty of commerce and navigation between Albania and Great Britain.—Tirana, July 31st, 1931.

Protocol concerning Germany and respecting the suspension of certain intergovernmental debts.—London, August 11th, 1931.

Convention of commerce and navigation between Greece and Roumania.—Bucharest, August 11th, 1931.

Convention concerning conditions of residence and business between Greece and Roumania.—Bucharest, August 11th, 1931.

Convention concerning the establishment in Switzerland of the Agrarian Fund between France, Great Britain, Hungary, Italy and Switzerland.—Berne, August 21st, 1931.

Convention concerning the establishment in Switzerland of the Special Fund between Czechoslovakia, France, Great Britain, Italy, Roumania, Yugoslovia and Switzerland.—Berne, August 21st, 1931.

Convention concerning conditions of residence and business, commerce and navigation between Austria and Roumania. —Vienna, August 22nd, 1931.

Treaty of commerce and navigation between Denmark and the Netherlands.—Copenhagen, October 31st, 1931.

Treaty of commerce between Bolivia and Denmark.—La Paz, November 9th, 1931.

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

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, 1931, is given in the Third Annual Report (pp. 49-50), the Fourth Annual Report (p. 85), the Fifth Annual Report (p. 100), the Sixth Annual Report (p. 106) and the Seventh Annual Report (p. 115).

To this list, the following instruments are to be appended as on June 15th, 1932:

Decision respecting the execution of Articles 363 and 364 of the Treaty of Versailles (free areas in the Port of Hamburg).—Hamburg, November 2nd, 1929.

Convention respecting the exploitation of commercial air routes between France and Poland.—Warsaw, August 2nd, 1930.

Convention respecting air transport services between Great Britain and Greece.—Athens, April 17th, 1931.

G.—*Treaties of arbitration and conciliation.*

In the Fourth Annual Report (pp. 85-89), the Fifth Annual Report (pp. 100-101), the Sixth Annual Report (pp. 106-107) and the Seventh Annual Report (pp. 116-117), a complete list of instruments of this nature, which had come to the knowledge of the Registry on June 15th, 1931, is given.

As on June 15th, 1932, the following are to be added which, together with those enumerated in the Fourth, Fifth, Sixth and Seventh Annual Reports, affect thirty-seven Powers:

Treaty of conciliation, judicial settlement and arbitration between Belgium and Switzerland.—Brussels, February 5th, 1927.

Treaty of conciliation, arbitration and judicial settlement between Belgium and Luxemburg.—Brussels, October 17th, 1927.

Treaty of conciliation and arbitration between France and Luxemburg.—Paris, October 20th, 1927.

Convention for arbitration between France and Yugoslavia. —Paris, November 11th, 1927.

Pact of non-agression and arbitration between Greece and Roumania.—Geneva, March 21st, 1928.

Treaty of conciliation, judicial settlement and arbitration between Luxemburg and Spain.—Luxemburg, June 21st, 1928.

Treaty of friendship, conciliation and judicial settlement between Greece and Italy.—Rome, September 23rd, 1928.

Treaty of conciliation, judicial settlement and arbitration between Belgium and Poland.—Brussels, October 25th, 1928.

Treaty of conciliation and arbitration between Luxemburg and Poland.—Luxemburg, October 29th, 1928.

Treaty of neutrality, conciliation, judicial settlement and arbitration between Bulgaria and Turkey.—Ankara, March 6th, 1929.

Treaty of friendship, conciliation and judicial settlement between Greece and Yugoslavia.—Belgrade, March 27th, 1929.

Treaty of arbitration and conciliation between Germany and Turkey.—Ankara, May 16th, 1929.

Convention of conciliation, arbitration and judicial settlement between Belgium and Greece.—Athens, June 25th, 1929.

Treaty of conciliation, arbitration and judicial settlement between Luxemburg and Portugal.—Luxemburg, August 15th, 1929.

Treaty of conciliation, judicial settlement and arbitration between Iceland and Spain.—Copenhagen, August 26th, 1929.

Treaty of arbitration and conciliation between Germany and Luxemburg.—Geneva, September 11th, 1929.

Treaty of conciliation, judicial settlement and arbitration between Bulgaria and Poland.—Warsaw, December 31st, 1929.

Convention of conciliation, arbitration and judicial settlement between Luxemburg and Roumania.—Luxemburg, January 22nd, 1930.

Treaty of conciliation, judicial settlement and arbitration between Greece and Spain.—Athens, January 23rd, 1930.

Treaty of friendship, conciliation and arbitration between France and Turkey.—Paris, February 3rd, 1930.

Treaty of friendship, conciliation and judicial settlement between Austria and Italy.—Rome, February 6th, 1930.

Treaty of arbitration between Denmark and Latvia.—Riga, February 28th, 1930.

Convention of judicial settlement, arbitration and conciliation between Czechoslovakia and Lithuania.—Prague, March 8th, 1930.

Convention of conciliation, judicial settlement and arbitration between Belgium and Yugoslavia.—Belgrade, March 25th, 1930.

Treaty of conciliation, judicial settlement and arbitration between Spain and Turkey.—Ankara, April 28th, 1930.

Treaty of conciliation and arbitration between Greece and Hungary.—Athens, May 5th, 1930.

Treaty of friendship, conciliation, arbitration and judicial settlement between Austria and Greece.—Vienna, June 26th, 1930.

Convention respecting the procedure for the settlement of disputes between Denmark and Iceland.—Tingvellir, June 27th, 1930.

Convention for the pacific settlement of disputes between Finland and Iceland.—Tingvellir, June 27th, 1930.

Convention for the pacific settlement of disputes between Iceland and Norway.—Tingvellir, June 27th, 1930.

Convention for the pacific settlement of disputes between Iceland and Sweden.—Tingvellir, June 27th, 1930.

Treaty of conciliation and arbitration between Hungary and Latvia.—Riga, August 13th, 1930.

Convention for conciliation, arbitration and judicial settlement between Belgium and Lithuania.—Geneva, September 24th, 1930.

Treaty of friendship, neutrality, conciliation and arbitration between Greece and Turkey.—Ankara, October 30th, 1930.

Treaty of conciliation and arbitration between Latvia and Lithuania.—Kovno, November 24th, 1930.

Treaty of conciliation and arbitration between Austria and Hungary.—Vienna, January 26th, 1931.

Treaty of judicial settlement, arbitration and conciliation between the Netherlands and Yugoslavia.—The Hague, March 11th, 1931.

Convention for judicial settlement, arbitration and conciliation between Czechoslovakia and Turkey.—Ankara, March 17th, 1931.

Treaty of conciliation, judicial settlement and arbitration between the Netherlands and Spain.—The Hague, March 30th, 1931.

Convention for conciliation, arbitration and judicial settlement between Belgium and Turkey.—Ankara, April 18th, 1931.

Treaty of conciliation and judicial settlement between Italy and Latvia.—Riga, April 28th, 1931.

Treaty of conciliation, arbitration and judicial settlement between Bulgaria and Norway.—Sofia, November 26th, 1931.

Treaty of conciliation, arbitration and judicial settlement between Luxemburg and Norway.—Geneva, February 12th, 1932.

TABLE[1] IN CHRONOLOGICAL ORDER OF INSTRUMENTS IN FORCE, OR SIGNED ONLY, GOVERNING THE COURT'S JURISDICTION[2].

1919.	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos*[3].	*Pages*[3].
June 28	Versailles	Covenant of the L. N.	(Members of the L. N.)	1	16
June 28	Versailles	Treaty of Peace	Allied and Assoc. Powers and Germany	220	533
June 28	Versailles	Treaty (so-called "Minorities")	Princ. Allied and Assoc. Powers and Poland	221	538
Sept. 10	Saint-Germain-en-Laye	Treaty of Peace	Allied and Assoc. Powers and Austria	222	539
Sept. 10	Saint-Germain-en-Laye	Treaty (so-called "Minorities")	Princ. Allied and Assoc. Powers and Yugoslavia	223	542
Sept. 10	Saint-Germain-en-Laye	Treaty (so-called "Minorities")	Princ. Allied and Assoc. Powers and Czechoslovakia	224	543
Sept. 10	Paris	Conv. for the control of the trade in arms and ammunition	(Collective Treaty)	162	484

[1] This table contains instruments which had come to the knowledge of the Registry on June 15th, 1932. In it are also included instruments conferring on the Court or its President some extrajudicial duty (appointment of a third arbitrator, of the president of a conciliation commission, etc.).

[2] The complete text of instruments for the pacific settlement of disputes and the relevant provisions of other instruments affecting the jurisdiction of the Court which had come to the knowledge of the Registry before June 15th, 1932, are reproduced either in the *Collection of Texts governing the jurisdiction of the Court*, fourth edition, or in Chapter X of the present volume (first addendum to the fourth edition of the *Collection*). The two last columns of the present list indicate the serial number of each instrument and the volume in which it is contained.

[3] Unless a contrary indication is given, the numbers and pages are those of the volume Series D., No. 6 : *Collection of Texts governing the jurisdiction of the Court* (fourth edition). The abbreviation E. 8 means : *Eighth Annual Report of the Court* (June 15th, 1931—June 15th, 1932), i.e. the present volume.

1919 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Sept. 10	Saint-Germain-en-Laye	Conv. relating to the liquor traffic in Africa	U.S. of America, Belgium, British Empire, France, Italy, Japan, Portugal	163	485
Sept. 10	Saint-Germain-en-Laye	Conv. revising the General Act of Berlin of Feb. 26th, 1885, and the General Act and the Declaration of Brussels of July 2nd, 1890	U.S. of America, Belgium, British Empire, France, Italy, Japan, Portugal	164	485
Oct. 13	Paris	Conv. for the regulation of air navigation	(Collective Treaty)	165	486
Nov. 27	Neuilly-sur-Seine	Treaty of Peace	Allied and Assoc. Powers and Bulgaria	225	543
Nov. 28	Washington	Conv. limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week	(Collective Treaty)	166	487
Nov. 28	Washington	Conv. concerning unemployment	(Collective Treaty)	167	487
Nov. 28	Washington	Conv. concerning night work of women	(Collective Treaty)	168	488
Nov. 28	Washington	Conv. fixing the minimum age for admission of children to industrial employment	(Collective Treaty)	169	488
Nov. 28	Washington	Conv. concerning the night work of young persons employed in industry	(Collective Treaty)	170	489

1919 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Nov. 29	Washington	Conv. concerning employment of women before and after child-birth	(Collective Treaty)	171	489
Dec. 9	Paris	Treaty (so-called "Minorities")	Princ. Allied and Assoc. Powers and Roumania	226	545
1920.					
March 26	Stockholm	Conv. concerning the establishment of a permanent conciliation commission	Chile and Sweden	359	634
June 4	Trianon	Treaty of Peace	Allied and Assoc. Powers and Hungary	227	545
July 9	Genoa	Conv. fixing the minimum age for admission of children to employment at sea	(Collective Treaty)	172	490
July 9	Genoa	Conv. concerning unemployment indemnity in case of loss or foundering of the ship	(Collective Treaty)	173	490
July 10	Genoa	Conv. for establishing facilities for finding employment for seamen	(Collective Treaty)	174	491
Aug. 10	Sèvres	Treaty (so-called "Minorities")	Princ. Allied and Assoc. Powers and Greece	228	549
Aug. 10	Sèvres	Treaty (so-called "Minorities")	Princ. Allied Powers and Armenia	229	549
Nov. 9	Paris	Convention	Poland and Danzig	230	550
Dec. 13	Geneva	Resolution of the Assembly of the L. N. approving the Statute of the Permanent Court of International Justice	——	2	18

1920 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Dec. 16	Geneva	Protocol of Signature of the Permanent Court of International Justice	(Collective Treaty)	3	18
Dec. 16	Geneva	Statute of the Permanent Court of International Justice	——	4	20
Dec. 17	Geneva	Mandate for German South-West Africa	Conferred on His Britannic Majesty to be exercised in His name by the Govt. of the Union of South Africa	231	550
Dec. 17	Geneva	Mandate for German Samoa	Conferred on His Britannic Majesty to be exercised in His name by the Govt. of the Dominion of New Zealand	232	551
Dec. 17	Geneva	Mandate for Nauru	Conferred on His Britannic Majesty	233	551
Dec. 17	Geneva	Mandate for the former 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 Govt. of the Commonwealth of Australia	234	551
Dec. 17	Geneva	Mandate for the former German possessions in the Pacific Ocean situated north of the equator	Conferred on H.M. the Emperor of Japan	235	552
1921.					
April 20	Barcelona	Conv. and Statute on freedom of transit	(Collective Treaty)	175	491

1921 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
April 20	Barcelona	Conv. and Statute on the régime of navigable waterways of international concern	(Collective Treaty)	176	493
May 17	Geneva	Resolution of the Council of the L. N. (conditions under which the Court is open to States other than Members of the L. N.)	——	5	22
June 24	Geneva	Agreement in regard to the Aaland Islands	Finland and Sweden	236	552
July 23	Paris	Conv. on the Statute of the Danube	Austria, Belgium, Great Britain, Bulgaria, Czechoslovakia, France, Germany, Greece, Hungary, Italy, Roumania, Yugoslavia	237	553
July 27	Copenhagen	Conv. on air navigation	Denmark and Norway	238	553
Oct. 2	Geneva	Declaration made before the Council of the L. N. in regard to the protection of minorities in Albania	Albania	239	554
Oct. 29	Helsingfors	Treaty of commerce and navigation	Esthonia and Finland	240	555
Nov. 11	Geneva	Conv. concerning the compulsory medical examination of children and young persons employed at sea	(Collective Treaty)	177	494

1921 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Nov. 11	Geneva	Conv. fixing the minimum age for the admission of young persons to employment as trimmers or stokers	(Collective Treaty)	178	495
Nov. 12	Geneva	Conv. concerning workmen's compensation in agriculture	(Collective Treaty)	179	496
Nov. 12	Geneva	Conv. concerning the rights of association and combination of agricultural workers	(Collective Treaty)	180	496
Nov. 16	Geneva	Conv. relating to the age at which children are to be admitted to agricultural work	(Collective Treaty)	181	497
Nov. 17	Geneva	Conv. concerning the application of the weekly rest in industrial undertakings	(Collective Treaty)	182	497
Nov. 19	Geneva	Conv. concerning the use of white lead in painting	(Collective Treaty)	183	498
Nov. 23	Portorose	Agreement for the regulation of international railway traffic	Austria, Czechoslovakia, Hungary, Italy, Poland, Roumania, Yugoslavia	241	555
Dec. 16	Prague	Political Agreement	Austria and Czechoslovakia	242	556
1922.					
Feb. 22	Dresden	Conv. instituting the Statute of navigation of the Elbe	Belgium, Czechoslovakia, France, Germany, Great Britain, Italy	243	556

1922 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
March 17	Warsaw	Political Agreement	Esthonia, Finland, Latvia, Poland	244	557
May 12	Geneva	Declaration before the Council of the L. N. concerning the protection of minorities in Lithuania	Lithuania	245	558
May 15	Geneva	Conv. with reference to Upper Silesia	Germany and Poland	246	559
June 26	Warsaw	Commercial Convention	Poland and Switzerland	247	561
July 20	London	Mandate for East Africa	Conferred on H.M. the King of the Belgians	248	562
July 20	London	Mandate for East Africa	Conferred on His Britannic Majesty	249	562
July 20	London	Mandate for the Cameroons	Conferred on His Britannic Majesty	250	563
July 20	London	Mandate for the Cameroons	Conferred on the French Republic	251	563
July 20	London	Mandate for Togoland	Conferred on His Britannic Majesty	252	563
July 20	London	Mandate for Togoland	Conferred on the French Republic	253	563
July 24	London	Mandate for Palestine	Conferred on His Britannic Majesty	254	564
July 24	London	Mandate for Syria and Lebanon	Conferred on the French Republic	255	564
Oct. 4	Geneva	Protocol No. II relating to the restoration of Austria	Austria, British Empire, Czechoslovakia, France, Italy	256	564
Oct. 4	Geneva	Protocol No. III (Declaration) relating to the restoration of Austria	Austria	257	565

1922 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Oct. 7	Prague	Commercial Treaty	Czechoslovakia and Latvia	363	637
Oct. 10	Bagdad	Treaty of alliance	Great Britain and Iraq	258	565
Oct. 19	Tallinn	Commercial Treaty	Esthonia and Hungary	364	637
Nov. 7	Stockholm	Conv. relating to air navigation	Denmark and Sweden	259	566
1923.					
Jan. 20	The Hague	Commercial Convention	Czechoslovakia and The Netherlands	260	566
Feb. 28	Montevideo	General compulsory Arbitration Treaty	Uruguay and Venezuela	12	82
April 10	Budapest	Agreement relating to arbitration	Austria and Hungary	13	83
May 26	Stockholm	Conv. relating to air navigation	Norway and Sweden	261	567
June 23	Washington	Agreement for the renewal of Arbitration Convention	British Empire and the U.S. of America	14	84
July 7	Geneva	Declaration to the Council of the L. N. concerning minorities	Latvia	262	567
July 24	Lausanne	Treaty of Peace	British Empire, France, Greece, Italy, Japan, Roumania, Turkey	263	569
July 24	Lausanne	Declaration relating to the administration of justice	Turkey	360	635

1923 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
July 24	Lausanne	Conv. relating to the compensation payable by Greece to Allied nationals	British Empire, France, Greece, Italy	365	638
Aug. 23	Washington	Agreement for the renewal of Arbitration Conv.	Japan and the U.S. of America	15	86
Sept. 12	Geneva	Conv. for the suppression of the circulation of and traffic in obscene publications	(Collective Treaty)	184	498
Sept. 17	Geneva	Resolution of the Council of the L. N. relating to the protection of minorities in Esthonia	——	264	571
Nov. 1	Tallinn	Treaty of defensive alliance	Esthonia and Latvia	265	571
Nov. 1	Tallinn	Preliminary Treaty for Economic and Customs Union	Esthonia and Latvia	366	639
Nov. 3	Geneva	International Conv. for the simplification of customs formalities	(Collective Treaty)	185	500
Nov. 19	Riga	Treaty of commerce and navigation	Hungary and Latvia	367	640
Dec. 9	Geneva	Conv. and Statute on the international régime of railways	(Collective Treaty)	186	502
Dec. 9	Geneva	Conv. and Statute on the international régime of maritime ports	(Collective Treaty)	187	504

1923 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Dec. 9	Geneva	Conv. relating to the transmission in transit of electric power	(Collective Treaty)	188	507
Dec. 9	Geneva	Conv. relating to the development of hydraulic power	(Collective Treaty)	189	508
Dec. 18	Paris	Conv. regarding the organization of the Statute of the Tangier Zone	British Empire, France, Spain	266	571
1924.					
Jan. 25	Paris	Treaty of alliance and friendship	Czechoslovakia and France	267	572
March 14	Geneva	Protocol No. II relating to the financial reconstruction of Hungary	Hungary	268	572
April 14	Bucharest	Conv. concerning the Hydraulic System of the Coterminous Territories and the dissolution of the Floods Protection Associations, divided by the frontier	Hungary and Roumania	269	573
April 28	Oslo	Conv. relating to the frontier between Finmark and Petsamo	Finland and Norway	270	573
May 8	Paris	Conv. relating to the transfer of the Memel Territory	British Empire, France, Italy, Japan, Lithuania	271	574
May 30	Warsaw	Treaty of commerce and navigation	The Netherlands and Poland	272	575

1924 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
June 2	Stockholm	Treaty of conciliation	Sweden and Switzerland	368	640
June 6	Copenhagen	Treaty of conciliation	Denmark and Switzerland	369	641
June 10	Kovno	Exchange of notes constituting a provisional arrangement with regard to commerce and navigation	Lithuania and The Netherlands	273	576
June 18	Budapest	Treaty of conciliation and arbitration	Hungary and Switzerland	16	86
June 23	Rio de Janeiro	Treaty concerning the judicial settlement of disputes	Brazil and Switzerland	17	90
June 27	Stockholm	Conv. concerning the establishment of a conciliation commission	Finland and Sweden	370	642
June 27	Stockholm	*Idem*	Denmark and Sweden	371	642
June 27	Stockholm	*Idem*	Denmark and Norway	372	643
June 27	Stockholm	*Idem*	Denmark and Finland	373	643
June 27	Stockholm	*Idem*	Finland and Norway	374	643
June 27	Stockholm	*Idem*	Norway and Sweden	375	644
July 2	Riga	Treaty of commerce	Latvia and The Netherlands	274	576
July 9	Copenhagen	Conv. concerning Eastern Greenland	Denmark and Norway	275	577
July 22	Tallinn	Provisional Commercial Treaty	Esthonia and The Netherlands	276	577
Aug. 9	Riga	Treaty of commerce and navigation	Austria and Latvia	376	644

1924 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Aug. 14	Oslo	*Idem.*	Latvia and Norway	377	644
Aug. 21	Washington	Conv. respecting the regulation of the liquor traffic	The Netherlands and the U.S. of America	277	578
Aug. 30	London	Agreement relating to the Arrangement of August 9th, 1924, between the German Govt. and the Reparation Commission	Allied Govts. and German Govt.	378	645
Aug. 30	London	Agreement for the execution of the Experts Plan of April 9th, 1924	Allied Govts. and German Govt.	278	579
Aug. 30	London	*Idem*	Allied Govts.	279	580
Sept. 20	Rome	Treaty of conciliation and judicial settlement	Italy and Switzerland	18	91
Sept. 27	Geneva	Decision of the Council of the L. N. relating to the application to Iraq of the principles of Art. 22 of the Covenant (British Mandate for Iraq)	British Empire	280	582
Oct. 2	Geneva	Resolutions relating to the pacific settlement of international disputes adopted by the 5th Assembly of the L. N.	——	10	62
Oct. 11	Vienna	Treaty of conciliation	Austria and Switzerland	19	95
Nov. 3	Riga	Treaty of commerce and navigation	Denmark and Latvia	281	582

1924 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Nov. 9	London	Agreement for the renewal of Arbitration Convention	Great Britain and Sweden	20	97
Dec. 2	London	Treaty of commerce and navigation	Germany and Great Britain	282	583
Dec. 4	Berlin	Commercial Convention	Latvia and Switzerland	379	648
Dec. 9	The Hague	Treaty of commerce	Hungary and The Netherlands	283	583
Dec. 26	Tokio	Treaty of judicial settlement	Japan and Switzerland	21	99
1925.					
Jan. 17	Helsingfors	Conciliation and Arbitration Convention	Esthonia, Finland, Latvia, Poland	22	100
Feb. 14	Oslo	Conv. concerning the international legal régime of the waters of the Pasvik (Patsjoki) and of the Jakobselv (Vuoremajoki)	Finland and Norway	284	584
Feb. 14	Oslo	Conv. concerning the floating of timber on the Pasvik (Patsjoki)	Finland and Norway	285	584
Feb. 14	Paris	Treaty of friendship, commerce and navigation	France and Siam	286	585
Feb. 19	Geneva	Conv. concerning opium	(Collective Treaty)	190	509
March 7	Berne	Treaty of conciliation and arbitration	Poland and Switzerland	23	106
March 28	Riga	Conciliation Convention	Latvia and Sweden	380	648

1925 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
April 6	Paris	Treaty of conciliation and of compulsory arbitration	France and Switzerland	24	110
April 17	Warsaw	Exchange of notes constituting a provisional commercial Conv.	Greece and Poland	287	586
April 23	Warsaw	Treaty of conciliation and arbitration	Czechoslovakia and Poland	25	114
May 13	London	Agreement for the renewal of Arbitration Conv.	Great Britain and Norway	26	119
May 29	Tallinn	Conv. of conciliation	Esthonia and Sweden	381	649
June 5	Geneva	Conv. concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents	(Collective Treaty)	191	511
June 8	Geneva	Conv. relating to night work in bakeries	(Collective Treaty)	192	512
June 8	The Hague	Treaty of friendship, commerce and navigation	Siam and The Netherlands	288	587
June 10	Geneva	Conv. concerning workmen's compensation for accidents	(Collective Treaty)	193	512
June 10	Geneva	Conv. concerning workmen's compensation for occupational diseases	(Collective Treaty)	194	513
June 11	Kovno	Treaty of conciliation	Lithuania and Sweden	382	649

1925 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
June 17	Geneva	Conv. concerning the supervision of the international trade in arms and ammunition and implements of war	(Collective Treaty)	195	513
July 7	Brussels	Treaty of commerce and navigation	The Economic Union of Belgium and Luxemburg and Latvia	383	649
July 12	London	Agreement for the renewal of Arbitration Conv.	Great Britain and The Netherlands	27	120
July 14	London	Treaty of commerce and navigation	Great Britain and Siam	289	587
July 15	Paris	Treaty of judicial settlement	Brazil and Liberia	28	120
Aug. 3	Madrid	Treaty of friendship, commerce and navigation	Siam and Spain	290	588
Aug. 14	Paris	Frontier Delimitation Treaty	France and Germany	291	588
Aug. 14	Lisbon	Treaty of friendship, commerce and navigation	Portugal and Siam	292	589
Aug. 21	Oslo	Treaty of conciliation	Norway and Switzerland	29	121
Sept. 1	Copenhagen	Treaty of friendship, commerce and navigation	Denmark and Siam	293	589
Sept. 21	Geneva	Treaty of conciliation and judicial settlement	Greece and Switzerland	30	125
Oct. 14	Berne	Commercial Conv.	Esthonia and Switzerland	384	650
Oct. 16	Locarno	Arbitration Conv.	Belgium and Germany	31	129

1925 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Oct. 16	Locarno	Arbitration Conv.	France and Germany	32	133
Oct. 16	Locarno	Arbitration Treaty	Germany and Poland	33	134
Oct. 16	Locarno	Arbitration Treaty	Czechoslovakia and Germany	34	134
Nov. 3	Stockholm	Treaty of conciliation and arbitration	Poland and Sweden	35	135
Nov. 25	Oslo	Conv. for the pacific settlement of disputes	Norway and Sweden	36	140
Nov. 25	London	Arbitration Conv.	Great Britain and Siam	37	143
Nov. 26	Berlin	Protocol attached to Customs and Credit Treaty	Germany and The Netherlands	385	651
Dec. 7	Prague	Agreement regarding the execution of Articles 266 (last paragraph) and 273 of the Treaty of Saint-Germain	Austria and Czechoslovakia	361	635
Dec. 12	The Hague	Treaty of conciliation	Switzerland and The Netherlands	38	143
Dec. 19	Stockholm	Treaty of friendship, commerce and navigation	Siam and Sweden	294	590
1926.					
Jan. 2	Prague	Treaty of conciliation and arbitration	Czechoslovakia and Sweden	39	147
Jan. 14	Stockholm	Conv. for the pacific settlement of disputes	Denmark and Sweden	40	149
Jan. 15	Copenhagen	*Idem*	Denmark and Norway	41	152

1926 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Jan. 29	Helsingfors	*Idem*	Finland and Sweden	42	153
Jan. 30	Helsingfors	*Idem*	Denmark and Finland	43	154
Feb. 2	Jerusalem	Agreement to facilitate neighbourly relations	Great Lebanon and Palestine, and Syria	295	591
Feb. 3	Berne	Treaty of conciliation, of judicial settlement and of compulsory arbitration	Roumania and Switzerland	44	155
Feb. 3	Helsingfors	Conv. for the pacific settlement of disputes	Finland and Norway	45	159
Feb. 10	Monrovia	Arbitration Conv.	U.S. of America and Liberia	46	161
March 4	Havana	Conv. for prevention of smuggling of intoxicating liquors	U.S. of America and Cuba	296	592
March 5	Vienna	Treaty of conciliation and arbitration	Austria and Czechoslovakia	47	162
April 16	Vienna	*Idem*	Austria and Poland	48	165
April 20	Madrid	*Idem*	Spain and Switzerland	49	170
April 23	Copenhagen	*Idem*	Denmark and Poland	50	173
April 30	Brussels	*Idem*	Belgium and Sweden	51	178
May 4	Prague	Conv. concerning the execution of life insurance and life annuity contracts	Czechoslovakia and Italy	386	652
May 9	Rome	Treaty of friendship, commerce and navigation	Italy and Siam	297	593
May 12	Athens	Commercial Conv.	Greece and The Netherlands	298	593

1926 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
May 20	The Hague	Treaty of arbitration and conciliation	Germany and The Netherlands	52	181
May 28	Stockholm	Treaty of conciliation and arbitration	Austria and Sweden	53	186
May 30	Angora	Conv. of friendship and neighbourly relations	France and Turkey	299	594
June 2	Berlin	Treaty of arbitration and conciliation	Denmark and Germany	54	187
June 4	London	Conv. renewing, the Arbitration Conv. of October 25th, 1905	Denmark and Great Britain	55	193
June 4	London	Conv. renewing, as far as Iceland is concerned, the Anglo-Danish Arbitration Conv. of October 25th, 1905	Great Britain and Iceland	56	193
June 5	Geneva	Conv. for the simplification of the inspection of emigrants on board ship	(Collective Treaty)	196	514
June 10	Paris	Conv. for the pacific settlement of disputes	France and Roumania	57	194
June 19	Paris	Agreement regarding the sanitary control over Mecca Pilgrims at Kamaran Island	Great Britain and The Netherlands	387	653
June 23	Geneva	Conv. concerning the repatriation of seamen	(Collective Treaty)	197	515
June 24	Geneva	Conv. concerning seamen's articles of agreement	(Collective Treaty)	198	515

1926 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
June 28	Riga	Treaty concerning the establishment of economic relations	Germany and Latvia	388	654
July 5	Paris	Treaty of arbitration	Denmark and France	58	195
July 16	London	Treaty of commerce and navigation	Great Britain and Greece	300	594
July 16	Oslo	Treaty of friendship, commerce and navigation	Norway and Siam	301	595
July 23	London	Treaty of commerce and navigation	Great Britain and Hungary	302	595
July 24	Belgrade	Treaty of commerce	Hungary and Yugoslavia	389	654
Aug. 7	Madrid	Treaty of friendship, conciliation and arbitration	Italy and Spain	59	198
Aug. 27	Berne	Conv. regulating the relations with regard to certain clauses of the legal régime of the future Kembs Derivation	France and Switzerland	303	596
Sept. 7	Port-au-Prince	Conv. of commerce	Haiti and The Netherlands	304	596
Sept. 10	Athens	Commercial Conv.	Greece and Sweden	305	597
Sept. 18	Geneva	Treaty of conciliation and arbitration	Poland and Yugoslavia	60	198
Sept. 25	Geneva	Conv. regarding slavery	(Collective Treaty)	199	516
Sept. 28	Brussels	Treaty of commerce and navigation	Esthonia and the Economic Union of Belgium and Luxemburg	390	655

1926 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Oct. 13	Athens	*Idem*	Albania and Greece	391	655
Nov. 29	Athens	Provisional Commercial Conv.	Greece and Switzerland	392	656
Nov. 30	Prague	Arbitration Treaty	Czechoslovakia and Denmark	61	200
Dec. 11	Kovno	Treaty of conciliation and arbitration	Denmark and Lithuania	62	205
Dec. 18	Tallinn	Treaty of conciliation	Denmark and Esthonia	393	657
Dec. 29	Rome	Treaty of conciliation and arbitration	Germany and Italy	63	206
Dec. 29	Lisbon	Exchange of notes concerning the abrogation of the Arbitration Conv. of November 15th, 1913	Portugal and Sweden	64	210
1927.					
Jan. 4	London	Agreement renewing the Arbitration Conv.	Great Britain and Portugal	65	212
Feb. 5	Brussels	Treaty of conciliation, judicial settlement and arbitration	Belgium and Switzerland	66	213
Feb. 5	Riga	Treaty carrying into effect the Customs Union	Esthonia and Latvia	394	657
Feb. 9	Oslo	Conv. of commerce and navigation	Chile and Norway	306	597
Feb. 15	Vienna	Treaty relating to air navigation	Austria and Czechoslovakia	307	598
Feb. 24	Rome	Treaty of conciliation and judicial settlement	Chile and Italy	67	218

1927 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Feb. 25	Riga	Conv. of commerce and navigation	Greece and Latvia	395	658
March 3	Brussels	Treaty of conciliation, judicial settlement and arbitration	Belgium and Denmark	68	219
March 4	Stockholm	Treaty of conciliation and arbitration	Belgium and Finland	69	221
March 24	Brussels	Conv. concerning the application of maritime health regulations	Belgium and The Netherlands	308	598
April 5	Rome	Treaty of friendship, conciliation and arbitration	Hungary and Italy	70	221
May 12	Guatemala	Treaty of commerce	Guatemala and The Netherlands	309	599
May 12	London	Treaty of commerce and navigation	Great Britain and Yugoslavia	310	599
May 20	Berlin	Conv. regarding air navigation	Germany and Italy	311	600
May 21	The Hague	Treaty of conciliation	The Netherlands and Sweden	71	225
June 16	Geneva	Conv. concerning sickness insurance for workers in industry and commerce and domestic servants	(Collective Treaty)	200	517
June 16	Geneva	Conv. concerning sickness insurance for agricultural workers	(Collective Treaty)	201	518
June 20	Tallinn	Treaty of commerce	Czechoslovakia and Esthonia	396	658

1927 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
June 29	Berlin	Conv. concerning air navigation	Germany and Great Britain	312	600
June 29	Athens	Conv. of commerce and navigation	Greece and Norway	313	601
July 9	Brussels	Treaty of conciliation, judicial settlement and arbitration	Belgium and Portugal	72	226
July 12	Geneva	International Conv. establishing an International Relief Union	(Collective Treaty)	202	518
July 19	Brussels	Treaty of conciliation, judicial settlement and arbitration	Belgium and Spain	73	232
Aug. 11	Lisbon	Conv. to regulate the hydro-electric development of the international section of the river Douro	Portugal and Spain	314	601
Aug. 15	Santander	General Conv. concerning air navigation	Italy and Spain	315	602
Aug. 17	Paris	Commercial Agreement	France and Germany	316	603
Aug. 20	Berne	Treaty of conciliation, judicial settlement and arbitration	Colombia and Switzerland	74	238
Sept. 13	London	Treaty of conciliation	Colombia and Sweden	75	242
Sept. 17	Rome	Treaty of conciliation and judicial settlement	Italy and Lithuania	76	245

1927 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Oct. 17	Brussels	Treaty of conciliation, arbitration and judicial settlement	Belgium and Luxemburg	77	249
Oct. 20	Paris	Treaty of conciliation and arbitration	France and Luxemburg	78	252
Nov. 2	Athens	Treaty of commerce and navigation	Greece and Yugoslavia	397	659
Nov. 8	Geneva	Conv. for the abolition of Import and Export Prohibitions and Restrictions	(Collective Treaty)	203	519
				E. 8	
Nov. 11	Paris	Conv. for Arbitration	France and Yugoslavia	421	462
Nov. 16	Berne	Treaty of conciliation and judicial settlement	Finland and Switzerland	79	254
Dec. 22	Rome	Agreement concerning the execution of Articles 266 (last paragraph) and 273 of the Treaty of Saint-Germain	Austria and Italy	362	636
1928.					
Jan. 2	Madrid	Conv. of commerce and navigation	Denmark and Spain	317	603
Jan. 18	Lisbon	Treaty of conciliation, judicial settlement and arbitration	Portugal and Spain	80	259
Jan. 29	Berlin	Treaty of arbitration and conciliation	Germany and Lithuania	81	263
March 3	Paris	Treaty of conciliation, judicial settlement and arbitration	France and Sweden	82	265

1928 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
March 10	Geneva	Treaty of arbitration and conciliation	France and The Netherlands	83	268
March 14	Copenhagen	Treaty of conciliation, judicial settlement and arbitration	Denmark and Spain	84	273
March 21	Geneva	Pact of non-aggression and arbitration	Greece and Roumania	85	275
March 22	Madrid	General Conv. for air navigation	France and Spain	318	604
April 5	Washington	Treaty of arbitration and conciliation	Denmark and Haiti	86	280
April 6	Vienna	Treaty of commerce	Austria and Denmark	319	604
April 7	Bangkok	Treaty of friendship, commerce and navigation	Germany and Siam	320	605
April 26	Madrid	Treaty of conciliation, judicial settlement and arbitration	Spain and Sweden	87	282
May 11	Rome	Treaty regarding air navigation	Austria and Italy	321	605
May 16	Paris	Commercial Agreement	Austria and France	322	606
May 30	Rome	Treaty of neutrality, conciliation and judicial settlement	Italy and Turkey	88	286
May 31	Helsinki	Treaty of conciliation, judicial settlement and arbitration	Finland and Spain	89	290
June 9	Geneva	Treaty of conciliation	Finland and The Netherlands	90	292

1928 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
June 11	Vienna	Treaty of conciliation, judicial settlement and arbitration	Austria and Spain	91	292
June 16	Geneva	Conv. concerning the creation of minimum wage-fixing machinery	(Collective Treaty)	204	521
June 21	Luxemburg	Treaty of conciliation, judicial settlement and arbitration	Luxemburg and Spain	92	293
July 2	Paris	Commercial Conv.	Czechoslovakia and France	323	607
July 11	Geneva	International Agreement relating to the exportation of hides and skins	(Collective Treaty)	205	521
July 11	Geneva	International Agreement relating to the exportation of bones	(Collective Treaty)	206	522
Aug. 21	Helsinki	Treaty of conciliation and judicial settlement	Finland and Italy	93	295
Aug. 22	Berlin	Conv. of commerce and navigation	Denmark and Greece	324	607
Aug. 29	Berne	Protocol amending the Treaty of arbitration and conciliation of Dec. 3rd, 1921	Germany and Switzerland	94	296
Sept. 1	Pretoria	Treaty of commerce and navigation	Union of South Africa and Germany	398	659
Sept. 11	Pretoria	Conv. regulating the introduction of native labour from Mozambique into the Province of the Transvaal, etc.	Union of South Africa and Portugal	399	660

1928 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Sept. 23	Rome	Treaty of friendship, conciliation and judicial settlement	Greece and Italy	95	302
Sept. 26	Geneva	General Act for conciliation, judicial settlement and arbitration	(Collective Treaty)	11	70
Oct. 17	Berne	Treaty of conciliation, judicial settlement and arbitration	Portugal and Switzerland	96	306
Oct. 25	Brussels	Treaty of conciliation, judicial settlement and arbitration	Belgium and Poland	97	308
Oct. 27	The Hague	Treaty of judicial settlement and conciliation	The Netherlands and Siam	98	313
Oct. 29	Luxemburg	Treaty of conciliation and arbitration	Luxemburg and Poland	99	314
Oct. 30	Berlin	Treaty of commerce and navigation	Germany and Lithuania	400	661
Nov. 7	Prague	Conv. regarding the settlement of reciprocal claims and debts contracted before Feb. 26th, 1919, in former Austro-Hungarian crowns, between Serb-Croat-Slovene and Czechoslovak creditors or debtors	Czechoslovakia and Yugoslavia	325	609
Nov. 8	Budapest	Conv. of commerce and navigation	Hungary and Sweden	326	609

1928 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Nov. 10	Berlin	Conv. for the purpose of terminating the existing financial disputes	Germany and Roumania	401	662
Nov. 14	Prague	Conv. relating to the settlement of questions arising out of the delimitation of the frontier	Czechoslovakia and Hungary	402	662
Nov. 16	Prague	Treaty of conciliation, judicial settlement and arbitration	Czechoslovakia and Spain	100	319
Nov. 30	Warsaw	Treaty of conciliation and arbitration	Hungary and Poland	101	320
Dec. 3	Helsinki	Protocol amending the Treaty of arbitration and conciliation of March 14th, 1925	Finland and Germany	102	323
Dec. 3	Madrid	Treaty of conciliation, judicial settlement and arbitration	Poland and Spain	103	326
Dec. 7	Tallinn	Treaty of commerce and navigation	Esthonia and Germany	403	663
Dec. 9	Ankara	Treaty of conciliation, judicial settlement and arbitration	Switzerland and Turkey	104	330
Dec. 11	Warsaw	Treaty of commerce	Austria and Esthonia	404	664
Dec. 12	Prague	Treaty regarding settlement of legal questions connected with the frontier described in Art. 27, para. 6, of the Treaty of Saint-Germain	Austria and Czechoslovakia	405	665

1928 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Dec. 12	Budapest	Treaty of conciliation and arbitration	Finland and Hungary	105	334
Dec. 27	Madrid	Treaty of conciliation, judicial settlement and arbitration	Norway and Spain	106	335
1929.					
Jan. 5	Budapest	Treaty of neutrality, conciliation and arbitration	Hungary and Turkey	107	339
Feb. 17	Teheran	Treaty of friendship	Germany and Persia	406	666
March 6	Ankara	Treaty of neutrality, conciliation, judicial settlement and arbitration	Bulgaria and Turkey	108	341
March 11	Athens	Convention of commerce, navigation and establishment	France and Greece	327	610
March 15	Paris	Commercial Convention	Esthonia and France	328	610
March 27	Belgrade	Treaty of friendship, conciliation and judicial settlement	Greece and Yugoslavia	109	346
March 28	The Hague	Treaty of commerce and navigation	Austria and The Netherlands	329	611
April 20	Geneva	International Conv. for the suppression of counterfeiting currency	(Collective Treaty)	207	523
April 23	Prague	Conv. of conciliation, arbitration and judicial settlement	Belgium and Czechoslovakia	110	354

1929 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
April 25	Berlin	Protocol modifying the Arbitration Conv. of Aug. 29th, 1924	Germany and Sweden	111	362
April 29	Tallinn	Conv. of commerce and navigation	Esthonia and Hungary	407	667
May 16	Ankara	Treaty of arbitration and conciliation	Germany and Turkey	112	365
May 16	Budapest	Conv. of commerce and navigation	Hungary and Lithuania	408	667
May 21	Belgrade	General Act of conciliation, arbitration and judicial settlement	Czechoslovakia, Roumania and Yugoslavia	113	369
May 23	Teheran	Treaty of friendship	Belgium and Persia	409	668
May 27	Teheran	Treaty of friendship	Persia and Sweden	410	670
May 30	La Paz	Treaty of commerce	Bolivia and The Netherlands	330	611
June 8	Prague	Pact of friendship, conciliation, arbitration and judicial settlement	Czechoslovakia and Greece	114	373
June 10	Madrid	Treaty of conciliation, judicial settlement and arbitration	Hungary and Spain	115	375
June 10	Rome	Conv. regarding conditions of residence and commerce	Albania and Switzerland	331	612
June 17	Oslo	Conv. of conciliation, judicial settlement and arbitration	Italy and Norway	116	378

1929 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
June 21	Geneva	Conv. concerning the marking of the weight on heavy packages transported by vessels	(Collective Treaty)	208	524
June 21	Geneva	Conv. concerning the protection against accidents of workers employed in loading or unloading ships	(Collective Treaty)	209	524
June 25	Athens	Conv. of conciliation, arbitration and judicial settlement	Belgium and Greece	117	383
July 8	Berne	Commercial Conv.	France and Switzerland	411	671
July 9	Tallinn	Conv. for judicial settlement, arbitration and conciliation	Czechoslovakia and Esthonia	118	385
July 22	Budapest	Treaty of conciliation and arbitration	Bulgaria and Hungary	119	387
Aug. 15	Luxemburg	Treaty of conciliation, arbitration and judicial settlement	Luxemburg and Portugal	120	389
Aug. 26	Copenhagen	Treaty of conciliation, judicial settlement and arbitration	Iceland and Spain	121	389
Aug. 26	Berne	Treaty of commerce	Switzerland and Belgo-Luxemburg Economic Union	412	672
Sept. 9	Geneva	Conv. for the peaceful settlement of all international disputes	Czechoslovakia and Norway	122	392

1929 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Sept. 11	Geneva	Treaty of arbitration and conciliation	Germany and Luxemburg	123	393
Sept. 14	Geneva	Protocol relating to the revision of the Statute of the Court	(Collective Treaty)	6	24
Sept. 14	Geneva	Amendments to the Statute of the Court	——	7	26
Sept. 14	Geneva	Protocol relating to the accession of the U.S. of America to the Protocol of Signature of the Statute of the Court	(Collective Treaty)	8	27
Sept. 14	Geneva	Treaty of judicial settlement, arbitration and conciliation	Czechoslovakia and The Netherlands	124	398
Sept. 16	Geneva	Treaty of conciliation, judicial settlement and arbitration	Luxemburg and Switzerland	125	399
Sept. 17	Geneva	Treaty of judicial settlement, arbitration and conciliation	Luxemburg and The Netherlands	126	403
Sept. 18	Geneva	Conv. of conciliation, arbitration and judicial settlement	Czechoslovakia and Luxemburg	127	403
Sept. 20	Geneva	Treaty of conciliation, judicial settlement and arbitration	Czechoslovakia and Switzerland	128	404
Oct. 2	Prague	Conv. of judicial settlement, arbitration and conciliation	Czechoslovakia and Finland	129	408

1929 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Nov. 2	Hamburg	Decision respecting the execution of Art. 363-364 of the Treaty of Versailles, and annexes	Czechoslovakia and Germany	332	612
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Nov. 6	Paris	Commercial Conv.	Cuba and France	424	480
Nov. 27	Tallinn	Treaty of conciliation and arbitration	Esthonia and Hungary	130	409
Dec. 9	Oslo	Treaty of conciliation, arbitration and judicial settlement	Norway and Poland	131	410
Dec. 18	Geneva	Protocol of negotiations (regularization of the Rhine between Strasburg/Kehl and Istein)	France, Germany and Switzerland	333	613
Dec. 27	Vienna	Agreement concerning the payment of claims of Greek nationals in respect of damages suffered during the period of Greek neutrality	Austria and Greece	334	614
Dec. 31	Warsaw	Treaty of conciliation, judicial settlement and arbitration	Bulgaria and Poland	132	414
1930.					
Jan. 14	The Hague	Agreement regarding the release of property, rights and interests of German nationals subject to the charge created in pursuance of the Treaty of Versailles	Canada and Germany	413	673

1930 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Jan. 18	The Hague	Conv. for the final settlement of questions arising out of Sections III and IV of Part X of the Treaty of Saint-Germain	Austria and Belgium	414	674
Jan. 20	The Hague	Agreement	South Africa, Australia, Belgium, Canada, Czechoslovakia, France, Germany, Great Britain, Greece, India, Italy, Japan, New Zealand, Poland, Portugal, Roumania, Yugoslavia	335	614
Jan. 20	The Hague	Declaration (Annex 1 to Agreement of January 20th, 1930)	Germany	336	617
Jan. 20	The Hague	Agreement regarding the final discharge of the financial obligations of Austria	South Africa, Australia, Austria, Belgium, Canada, Czechoslovakia, France, Great Britain, Greece, India, Italy, Japan, New Zealand, Poland, Portugal, Roumania and Yugoslavia	337	617
Jan. 20	The Hague	Agreement regarding the settlement of Bulgarian reparations	South Africa, Australia, Austria, Belgium, Canada, Czechoslovakia, France, Great Britain, Greece, India, Italy, Japan, New Zealand, Poland, Portugal, Roumania and Yugoslavia	338	618
Jan. 20	The Hague	Conv. respecting Bank for International Settlements	Belgium, France, Germany, Great Britain, Italy, Japan and Switzerland	339	619

1930 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Jan. 22	Luxemburg	Conv. of conciliation, arbitration and judicial settlement	Luxemburg and Roumania	133	417
Jan. 22	The Hague	Treaty of judicial settlement, arbitration and conciliation	The Netherlands and Roumania	134	419
Jan. 23	Athens	Treaty of conciliation, judicial settlement and arbitration	Greece and Spain	135	420
Feb. 3	Paris	Treaty of friendship, conciliation and arbitration	France and Turkey	136	421
Feb. 6	Rome	Treaty of friendship, conciliation and judicial settlement	Austria and Italy	137	424
Feb. 13 Feb. 18	Cape Town Lourenço Marques	Commercial Agreement between the High Commissioner for South Africa and the Governor-General of Mozambique regulating the commercial relations between Swaziland, etc., and Mozambique	Great Britain and Portugal	415	674
Feb. 28	Riga	Treaty of arbitration	Denmark and Latvia	138	428
March 8	Prague	Conv. of judicial settlement, arbitration and conciliation	Czechoslovakia and Lithuania	139	430
March 12	Teheran	Treaty of friendship	The Netherlands and Persia	416	675

1930 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
March 25	Belgrade	Conv. of conciliation, judicial settlement and arbitration	Belgium and Yugoslavia	140	430
April 10	Warsaw	Conv. of commerce and navigation	Greece and Poland	340	619
April 12	The Hague	Treaty of judicial settlement, arbitration and conciliation	The Netherlands and Poland	141	432
April 12	The Hague	Conv. on certain questions relating to the conflict of nationality laws	(Collective Treaty)	210	525
April 12	The Hague	Protocol relating to military obligations in certain cases of double nationality	(Collective Treaty)	211	526
April 12	The Hague	Protocol relating to a certain case of statelessness	(Collective Treaty)	212	527
April 12	The Hague	Special Protocol concerning statelessness	(Collective Treaty)	213	527
April 28	Paris	Agreement (No. I)	South Africa, Australia, Belgium, Canada, Czechoslovakia, France, Great Britain, Greece, Hungary, India, Italy, Japan, New Zealand, Poland, Portugal, Roumania, Yugoslavia	417	677
April 28	Paris	Agreement (No. II)	*Idem*	341	620
April 28	Paris	Agreement (No. III)	*Idem*	342	621

1930 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
April 28	Paris	Agreement (No. IV)	France, Czechoslovakia, Great Britain, Italy, Roumania, Yugoslavia	418	678
April 28	Paris	Agreement	Hungary and Roumania	343	622
April 28	Ankara	Treaty of conciliation, judicial settlement and arbitration	Spain and Turkey	142	435
April 28	Paris	Treaty of conciliation, judicial settlement and arbitration	Finland and France	143	437
May 5	Athens	Treaty of conciliation and arbitration	Greece and Hungary	144	442
May 26	The Hague	Treaty of commerce	The Netherlands and Switzerland	344	622
May 28	Belgrade	Treaty of commerce and navigation	The Netherlands and Yugoslavia	345	623
June 3	Athens	Commercial Conv.	Greece and Hungary	346	623
June 21	Kovno	Treaty of commerce and navigation	Denmark and Lithuania	347	623
June 26	Vienna	Treaty of friendship, conciliation, arbitration and judicial settlement	Austria and Greece	145	442
June 27	Tingvellir	Conv. respecting the procedure for the settlement of disputes	Denmark and Iceland	146	444
June 27	Tingvellir	Conv. for the pacific settlement of disputes	Finland and Iceland	147	446

1930 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
June 27	Tingvellir	*Idem*	Iceland and Norway	148	447
June 27	Tingvellir	*Idem*	Iceland and Sweden	149	449
June 27	Štrbské Pleso	Treaty of commerce and navigation	Czechoslovakia and Roumania	348	624
June 28	Geneva	Conv. concerning the regulation of hours of work in commerce and offices	(Collective Treaty)	214	528
June 28	Geneva	Conv. concerning forced or compulsory labour	(Collective Treaty)	215	528
July 26	Lisbon	Treaty of conciliation, judicial settlement and arbitration	Norway and Portugal	150	450
				E. 8	
Aug. 2	Warsaw	Conv. regarding operation of commercial airways	France and Poland	425	480
Aug. 6	London	Treaty of commerce and navigation	Great Britain and Roumania	349	625
Aug. 13	Riga	Treaty of conciliation and arbitration	Hungary and Latvia	151	455
Sept. 24	Geneva	Conv. of conciliation, arbitration and judicial settlement	Belgium and Lithuania	152	455
Oct. 1	Oslo	Conv. of conciliation, arbitration and judicial settlement	Austria and Norway	153	456
Oct. 30	Ankara	Treaty of friendship, neutrality, conciliation and arbitration	Greece and Turkey	154	457

1930 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Nov. 24	Kovno	Treaty of conciliation and arbitration	Latvia and Lithuania	155	462
Dec. 8	Belgrade	Conv. concerning the application and execution of certain provisions of the General Agreement of The Hague of Jan. 20th, 1930, between Austria and the Creditor States	Austria and Yugoslavia	419	678
1931.					
Jan. 26	Vienna	Treaty of conciliation and arbitration	Austria and Hungary	156	464
March 11	The Hague	Treaty of judicial settlement, arbitration and conciliation	Netherlands and Yugoslavia	157	466
March 17	Ankara	Conv. of judicial settlement, arbitration and conciliation	Czechoslovakia and Turkey	158	467
March 27	The Hague	Protocol conferring on the Permanent Court of International Justice jurisdiction to interpret the Hague Conventions of private international law	Austria, Belgium, Denmark, The Netherlands, Spain and Yugoslavia	216	529
March 30	The Hague	Treaty of conciliation, judicial settlement and arbitration	Netherlands and Spain	159	471
April 11	Tallinn	Conv. of commerce and navigation	Esthonia and Finland	420	679

1931 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
April 17	Athens	Conv. respecting air transport services	Great Britain and Greece	350	625
April 18	Ankara	Conv. of conciliation, arbitration and judicial settlement	Belgium and Turkey	160	475
April 28	Riga	Treaty of conciliation and judicial settlement	Italy and Latvia	161	478
May 21	Geneva	Conv. establishing an international agricultural mortgage credit company	(Collective Treaty)	217	530
May 28	Tokio	Treaty of friendship and commerce	Siam and Switzerland	351	626
June 18	Geneva	Conv. limiting the hours of work in coal mines	(Collective Treaty)	218	531
July 13	Geneva	Conv. for limiting the manufacture and regulating the distribution of narcotic drugs	(Collective Treaty)	219	532
July 31	Tirana	Treaty of commerce and navigation	Albania and Great Britain	352	626
Aug. 11	London	Protocol concerning Germany and respecting the suspension of certain intergovernmental debts	South Africa, Australia, Belgium, Canada, Czechoslovakia, Germany, Great Britain, Greece, India, Italy, Japan, New Zealand, Poland, Portugal and Roumania	353	627
Aug. 11	Bucharest	Conv. of commerce and navigation	Greece and Roumania	**E.** 8 426	481

1931 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
				E. 8	
Aug. 11	Bucharest	Conv. concerning conditions of residence and business	Greece and Roumania	427	481
Aug. 21	Berne	Conv. concerning the establishment in Switzerland of the agrarian fund	France, Great Britain, Hungary, Italy, Switzerland	354	627
Aug. 21	Berne	Conv. concerning the establishment in Switzerland of the special fund	Czechoslovakia, France, Great Britain, Italy, Roumania, Switzerland, Yugoslavia	355	628
Aug. 22	Vienna	Conv. concerning conditions of residence and business, commerce and navigation	Austria and Roumania	356	628
				E. 8	
Oct. 3	Moscow	Treaty of friendship	Esthonia and Persia	428	484
Oct. 31	Copenhagen	Treaty of commerce and navigation	Denmark and The Netherlands	357	629
Nov. 9	La Paz	Treaty of commerce	Bolivia and Denmark	358	629
				E. 8	
Nov. 26	Sofia	Treaty of conciliation, arbitration and judicial settlement	Bulgaria and Norway	422	466
1932.					
				E. 8	
Feb. 12	Geneva	*Idem*	Luxemburg and Norway	423	473

* * *

In addition to the cases submitted by the Parties and matters specially provided for in the treaties and conventions mentioned above, the Court's jurisdiction extends to other disputes, under the following instruments:

The Optional Clause annexed to the Statute of the Court;
The Resolution adopted by the Council on May 17th, 1922;
The General Act of conciliation, judicial settlement and arbitral settlement, adopted on September 26th, 1928, by the Assembly of the League of Nations at its Ninth Session.

These instruments are open for the adhesion of a considerable number of States. Each of them creates in respect of every State adhering to it relations between that State and all the other States which have already adhered or may subsequently adhere to it [1].

Compulsory jurisdiction under the Optional Clause.

The first of these instruments, namely the "Optional Clause", forms the subject of paragraphs 2 and 3 of Article 36 of the Statute, which run as follows:

> "The Members of the League of Nations and 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 special protocol, annexed to the Statute and by means of which the declaration in question is made, is known as the "Optional Clause". This protocol is as follows:

[1] In the fourth edition of the *Collection of Texts governing the jurisdiction of the Court*, the Optional Clause annexed to the Court's Statute and the General Act of 1928 are grouped under the heading "Collective instruments for the pacific settlement of disputes". The Council Resolution of May 17th, 1922, is entered under the heading "Constitutional texts determining the jurisdiction of the Court".

"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 (p. 441) indicates the names of the forty-eight States which have signed the Optional Clause (or have renewed their adherence thereto), and indicates the conditions of their acceptance (or renewed adherence). The date on which declarations were affixed is entered on the table in those cases where it is known from documentary evidence. The text of declarations made before January 31st, 1932, is reproduced in the *Collection of Texts governing the jurisdiction of the Court* (fourth ed.). The only declaration made since—a declaration by Ethiopia renewing its acceptance of the Clause—is reproduced on p. 440 of the present volume.

The position, resulting from the information afforded by the table above mentioned, is as follows:

I.

A. *States having signed the Optional Clause:*

Union of South Africa, Albania, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Costa Rica [1], Czechoslovakia, Denmark, Dominican Republic, Esthonia, Ethiopia, Finland, France, Germany, Great Britain, Greece, Guatemala, Haiti, Hungary, India, Irish Free State, Italy, Latvia, Liberia, Lithuania, Luxemburg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Persia, Peru, Poland, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, Yugoslavia.

[1] Costa Rica, on December 24th, 1924, informed the Secretary-General of her decision to withdraw from the League of Nations, this decision taking effect as from January 1st, 1927. Before that date, Costa Rica had not ratified the Protocol of Signature of the Statute; moreover, Costa Rica is not mentioned in the Annex to the Covenant of the League of Nations. This would seem to lead to the conclusion that the engagement resulting for Costa Rica from her signature of the Protocol above mentioned and, consequently, also that resulting from her signature of the Optional Clause, have lapsed.

II.

B. *Of these, the following have signed, subject to ratification, and have ratified:*

Union of South Africa, Albania, Australia, Austria, Belgium, Canada, Denmark, France, Germany, Great Britain, Hungary, India, Irish Free State, Italy, Latvia, New Zealand, Peru, Roumania, Siam, Switzerland, Yugoslavia.

C. *States having signed subject to ratification but not ratified:*

Czechoslovakia, Dominican Republic, Guatemala, Liberia, Persia, Poland.

D. *States having signed without condition as to ratification* [1]*:*

Brazil, Bulgaria, China, Colombia, Costa Rica [2], Esthonia, Ethiopia, Finland [3], Greece, Haiti, Lithuania, Luxemburg, Netherlands, Nicaragua, Norway [3], Panama, Portugal, Salvador, Spain, Sweden, Uruguay.

E. *States having signed without condition as to ratification but not ratified the Protocol of Signature of the Statute:*

Costa Rica [2], Nicaragua.

F. *States in the case of which the period for which Clause accepted has expired:*

China (date of expiration: May 13th, 1927).

III.

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

Union of South Africa, Albania, Australia, Austria, Belgium, Brazil [4], Bulgaria, Canada, Colombia, Denmark, Esthonia,

[1] Certain of these States have ratified their declarations, although this was not required according to the Optional Clause.

[2] See note on previous page.

[3] This State has signed the Optional Clause subject to ratification, but has renewed its acceptance without this reservation.

[4] Brazil's undertaking was 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. It is to be noted that Germany has been bound by it since February 29th, 1928, and Great Britain since February 5th, 1930.

Ethiopia, Finland, France, Germany, Great Britain, Greece, Haiti, Hungary, India, Irish Free State, Italy, Latvia, Lithuania, Luxemburg, Netherlands, New Zealand, Norway, Panama, Peru, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, Yugoslavia.

The foregoing data are summarized in the synoptic table on the following page.

STATES WHICH HAVE SIGNED THE OPTIONAL CLAUSE (48)				
without any condition as to ratification or other suspensive conditions			subject to ratification or other suspensive conditions	
but in the case of which the period of engagement has expired.	but which have not ratified the Protocol of Signature of the Court's Statute.	and which have ratified the Protocol of Signature of the Court's Statute.	and in the case of which the condition or conditions are fulfilled.	and in the case of which the condition or conditions were not fulfilled on June 15th, 1932.
China	Costa Rica Nicaragua	Bulgaria Colombia Esthonia Ethiopia Greece Haiti Lithuania Luxemburg Netherlands Panama Portugal Salvador Spain Sweden Uruguay	Union of South Africa Albania Australia Austria Belgium Brazil Canada Denmark Finland France Germany Great Britain Hungary India Irish Free State Italy Latvia New Zealand Norway Peru Roumania Siam Switzerland Yugoslavia	Czechoslovakia Dominican Republic Guatemala Liberia Persia Poland
States not bound by the Clause.		**STATES BOUND BY THE CLAUSE (39).**		States not bound by the Clause.

* * *

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

The second of the three instruments above mentioned is the Resolution adopted by the Council on May 17th, 1922. The text of this resolution was reproduced in the First Annual Report, on pp. 142-143.

On November 18th, 1931, the Turkish Government made a particular declaration under the terms of this resolution. Turkey, being neither a Member of the League nor mentioned in the Annex to the Covenant, the Turkish Government, through its Chargé d'affaires at The Hague, accepted the jurisdiction of the Court for the dispute which had arisen between it and the Italian Government in connection with the delimitation of the territorial waters between the island of Castellorizo and the coasts of Anatolia and which formed the subject of the Special Agreement signed by the delegates of the two Governments on May 30th, 1929. Under Article III of the Special Agreement, the Turkish Government had undertaken to make this declaration. Turkey had made a similar declaration in the *Lotus* case (see Fifth Annual Report, pp. 138-139).

* * *

General Act of 1928.

The third of these instruments is the General Act of conciliation, judicial settlement and arbitration adopted by the Assembly of the League of Nations on September 26th, 1928, at its Ninth Session. This Act provides for the pacific settlement of disputes which may arise between the States adhering thereto.

The fourth edition of the *Collection of Texts governing the jurisdiction of the Court* reproduces the text of this instrument under No. 11.

On June 15th, 1932, the States whose names are given below had adhered to the General Act [1]:

[1] According to Article 38 of the Act, contracting Parties may adhere:

"A. Either to all the provisions of the Act (Chapters I, II, III and IV);

B. Or to those provisions only which relate to conciliation and judicial settlement (Chapters I and II), together with the general provisions dealing with these procedures (Chapter IV);

C. Or to those provisions only which relate to conciliation (Chapter I), together with the general provisions concerning that procedure (Chapter IV)."

Australia	(A)	May 21st, 1931.
Belgium	(A)	May 18th, 1929.
Canada	(A)	July 1st, 1931.
Denmark	(A)	April 14th, 1930.
Esthonia	(A)	September 3rd, 1931.
Finland	(A)	September 6th, 1930.
France	(A)	May 21st, 1931.
Great Britain	(A)	May 21st, 1931.
Greece	(A)	September 14th, 1931.
India	(A)	May 21st, 1931.
Irish Free State	(A)	September 26th, 1931.
Italy	(A)	September 7th, 1931.
Luxemburg	(A)	September 15th, 1930.
Netherlands	(B)	August 8th, 1930.
New Zealand	(A)	May 21st, 1931.
Norway	(A)	June 11th, 1930 [1].
Peru	(A)	November 21st, 1931.
Spain	(A)	September 16th, 1930.
Sweden	(B)	May 13th, 1929.

* * *

Cases submitted by unilateral application.

The following table gives a list of the cases submitted to the Court by means of a unilateral application (or a unilateral request for an interpretation). The number in the general list, the Parties to the case and the date of the application instituting proceedings are also indicated.

Number in general list.	Name of the case.	Parties to the case.	Date of application instituting proceedings.
5	S/S *Wimbledon*	Great Britain, France, Italy, Japan/Germany	Jan. 16th, 1923
10	Mavrommatis Palestine concessions	Greece/Great Britain	May 12th, 1924
14	Interpretation of Judgment No. 3 (Treaty of Neuilly)	Bulgaria/Greece	Nov. 27th, 1924

[1] Norway had acceded to Chapters I, II and IV on June 11th, 1929, and had extended its accession to include Chapter III on June 11th, 1930.

Number in general list.	Name of the case.	Parties to the case.	Date of application instituting proceedings.
18	German interests in Polish Upper Silesia	Germany/Poland	May 15th, 1925
18 *bis*	German interests in Polish Upper Silesia	Germany/Poland	Aug. 25th, 1925
22	Denunciation of the Sino-Belgian Treaty of November 2nd, 1865	Belgium/China	Nov. 25th, 1926
25	The Factory at Chorzów (claim for indemnity)	Germany/Poland	Feb. 8th, 1927
27	Readaptation of the Mavrommatis Jerusalem concessions	Greece/Great Britain	May 28th, 1927
30	Interpretation of Judgments Nos. 7 and 8 (Factory at Chorzów)	Germany/Poland	Oct. 17th, 1927
31	Rights of Minorities in Upper Silesia (Minority schools)	Germany/Poland	Jan. 2nd, 1928
43	Eastern Greenland	Denmark/Norway	July 11th, 1931
47	Interpretation of the Statute of Memel	Great Britain, France, Italy, Japan/Lithuania	April 11th, 1932
49	Prince of Pless	Germany/Poland	May 18th, 1932
51	Appeal against two judgments delivered on December 21st, 1931, by the Hungaro-Czechoslovak Mixed Arbitral Tribunal	Czechoslovakia/ Hungary	July 7th, 1932
52	South-Eastern Territory of Greenland [1]	Norway/Denmark	July 18th, 1932
53	South-Eastern Greenland [1]	Denmark/Norway	July 18th, 1932

[1] Cases Nos. 52 and 53 have been joined by an Order of the Court delivered on August 2nd, 1932.

Number in general list.	Name of the case.	Parties to the case.	Date of application instituting proceedings.
54	Appeal against a judgment delivered on April 13th, 1932, by the Hungaro-Czechoslovak Mixed Arbitral Tribunal	Czechoslovakia/ Hungary	July 20th, 1932

In the first of these cases, that of the S/S *Wimbledon*, the application was based on Article 386 of the Treaty of Versailles. In the cases concerning the Mavrommatis concessions, proceedings were instituted under Article 26 of the Mandate for Palestine, and in those concerning German interests in Polish Upper Silesia and the Chorzów Factory, under Article 23 of the Geneva Convention concerning Upper Silesia. The application submitting the case concerning certain rights of minorities in Upper Silesia and the latest application filed, namely, that concerning the Prince of Pless Administration, both rely on Article 72 of the last-mentioned Convention. The application in the case concerning the interpretation of the Statute of Memel is based on Article 17 of the Convention concerning Memel, signed at Paris on August 8th, 1924. Four applications have been filed under the terms of the optional clause of the Court's Statute: that submitting to the Court the case concerning the denunciation by China of the Sino-Belgian Treaty, the application in the Eastern Greenland case and the two applications concerning South-Eastern Greenland. The two applications concerning judgments rendered by the Hungaro-Czechoslovak Mixed Arbitral Tribunal rely on Article X of Agreement No. II of Paris, of April 28th, 1930, for the settlement of questions relating to the agrarian reforms and to the mixed arbitral tribunals. Lastly, in the case of the interpretation of Judgment No. 3 and in that of the interpretation of Judgments Nos. 7 and 8, a request for an interpretation was made based on Article 60 of the Court's Statute.

Jurisdiction as a Court of Appeal.

(See Sixth Annual Report, p. 147, and Seventh Annual Report, p. 163.)

The First Committee of the Twelfth Assembly of the League of Nations had before it the report made by the Committee of Jurists whom the Council had instructed, in view of a proposal of the Finnish Government, to examine the question of the most appropriate procedure to be followed by States desiring to enable the Permanent Court of International Justice to assume in a general manner, as between them, the functions of a tribunal of appeal from international arbitral tribunals in all cases when it is contended that the arbitral tribunal was without jurisdiction or exceeded its jurisdiction. The Committee of Jurists, which added to the two grounds for a claim of nullity envisaged by the Finnish proposal a third, namely, a fundamental fault in the procedure, proposed various means of attaining the desired object. The First Committee instructed a sub-committee to examine the question. This sub-committee prepared a draft recommendation for submission to the Assembly, and a draft protocol under which States adhering to it would recognize the Permanent Court of International Justice as possessing compulsory jurisdiction to decide disputes as to the validity of awards given by an arbitral tribunal.

In this connection, the sub-committee considered certain general questions raised by the Finnish proposal. With regard to the causes which might render an arbitral award invalid, it held that their determination was practically impossible and must proceed from successive judicial decisions. With regard to the obligations resulting from the acceptance of Article 36 of the Court's Statute, the sub-committee made the following observations:

"Although the sub-committee has the impression that Article 36 of the Court's Statute would, at least to a large extent, permit of attaining the object aimed at by the Finnish delegation, it has been obliged to recognize that opinion was not unanimous on the question and that some doubt existed. It might be proposed to ask an advisory opinion from the Permanent Court of International Justice on this general question; but the sub-committee did not think that it was for it to discuss the possibility or desirability of such a course, and it felt that, in the meanwhile, while recognizing the value of the possibilities offered by Article 36, it was

desirable to take precautions to meet the eventuality that Article 36 might not furnish a complete remedy for the danger of a dispute as to the validity of an arbitral award remaining without solution."

When the First Committee considered the report of the sub-committee, somewhat important differences of opinion became apparent; whereupon the First Committee arrived at the conclusion that the question was not yet ripe for settlement and that further preliminary study was necessary. It accordingly proposed to the Assembly that the question should be adjourned for consideration by a subsequent Assembly. The Assembly decided accordingly on September 25th, 1931.

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Interim measures of protection.

(See Fifth Annual Report, p. 139, and Seventh Annual Report, p. 163.)

* * *

Power to determine its own jurisdiction.

(See Fifth Annual Report, p. 140, and Seventh Annual Report, p. 164.)

The following table contains a list of the cases in which a preliminary objection to the Court's jurisdiction has been raised and which accordingly have given rise to special proceedings under Article 38 of the Rules. The number in the general list, the Parties to the case and the date of the filing of the document raising the preliminary objection are also indicated.

Number in general list.	Name of the case.	Parties to the case.	Date of preliminary objection.
12	Mavrommatis Palestine Concessions	Greece/Great Britain	June 3rd, 1924
19	German interests in Polish Upper Silesia	Germany/Poland	June 18th, 1925
26	Claim for indemnity in respect of the Factory at Chorzów	Germany/Poland	April 8th, 1927

Number in general list.	Name of the case.	Parties to the case.	Date of preliminary objection.
28	Readaptation of the Mavrommatis Jerusalem Concessions	Greece/Great Britain	Aug. 9th, 1927
50	Interpretation of the Statute of Memel	France, Great Britain, Italy, Japan/Lithuania	May 26th, 1932

Since June 15th, 1931, the Court has rendered a judgment on a preliminary objection (Judgment of June 24th, 1932) [1]. It has further passed upon questions of jurisdiction in several advisory opinions, and in particular in its Judgment of June 7th, 1932 [1], terminating the case of the free zones.

Interpretation of judgments.

* * *

(See Fifth Annual Report, p. 140.)

* * *

(2) *Jurisdiction* ratione personæ.

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

Members of the League of Nations.

A.—The Members of the League of Nations are, on June 15th, 1932 [4]:

Union of South Africa, Albania, Argentine Republic, Australia, Austria, Belgium, Bolivia, British Empire, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Domi-

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[1] See p. 191 of this volume for a summary of the Judgment of June 7th, 1932, and p. 207 for a summary of the Judgment of June 24th, 1932.
[2] Article 34 of Statute.
[3] ,, 35 ,, ,, .
[4] Communication from the Secretary-General of the League of Nations.—On July 18th, 1932, Turkey became a Member of the League of Nations.

nican Republic, Esthonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Persia, Poland, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, Venezuela, Yugoslavia.

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:

Brazil [1], Ecuador, Hedjaz, United States of America.

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.

(See Second Annual Report, pp. 84-87; Third Annual Report, pp. 92-97; Fourth Annual Report, pp. 124-127; Fifth Annual Report, pp. 142-150; Sixth Annual Report, pp. 149-170, and Seventh Annual Report, pp. 165-179.)

In the Seventh Annual Report, an account was given of the transmission to the Senate by the President of the United States of the Protocols of Signature and of Revision of the Court's Statute and also of the Protocol concerning the adherence of the United States; a "memorandum for hearing" on this question, submitted in January 1931 by Mr. Elihu Root to the Committee on Foreign Relations of the Senate, was also reproduced in that report.

The Committee postponed further consideration of the question until the session of Congress in December 1931. It was not, however, until March 2nd, 1932, that the Committee resumed its consideration of the Protocol. It decided to hear Mr. Stimson, the Secretary of State, on the subject. Being unable to appear before the Committee by reason of illness,

[1] Brazil, on June 14th, 1926, stated that she intended to withdraw from the League of Nations; her withdrawal became effective on June 15th, 1928 (Art. 1 of the Covenant).

Mr. Stimson, on March 22nd, 1932, wrote a letter to the Chairman of the Committee, Senator Borah, in which he summarized his opinion. This letter [1] was as follows:

"March 22nd, 1932.

I only received last night, on my return from an absence, your letter asking me to discuss to-morrow before the Foreign Relations Committee the Root protocol to the World Court. As I am rather used up with a heavy cold, I shall send you a brief *résumé* of my views in this letter and ask your indulgence to postpone your hearing of me, if any further hearing is desired, until I have recovered.

So far as this protocol is concerned, I can add nothing to the clear exposition of its history and meaning which its author, Mr. Root, gave to your committee a year ago. I concur with him that the protocol fully accepts the five reservations of the Senate Resolution of 1926, and thereby imposes the jurisdictional restriction upon the World Court as to advisory opinions which was sought by the fifth reservation of the Senate.

That fifth reservation, on its face, was directly addressed to the Court; not to the Council or the Assembly which request opinions, but to the Court which renders them. Its language was 'that the Court shall not render any advisory opinions except' upon the terms laid down in the reservation. When by the consent of the various nations embodied in the Root protocol it became a part of the Statute creating the Court, it constituted a statutory restriction of jurisdiction.

That this protocol contained such an acceptance is shown by its language and even more clearly by the history of that language as it was evolved in the meetings of the Committee of Jurists. The pertinent language of Mr. Root's original draft as proposed by him was as follows:

> 'The Court shall not, without the consent of the United States, render an advisory opinion touching any dispute to which the United States is a party.
>
> The Court shall not, without the consent of the United States, render an advisory opinion touching any dispute to which the United States is not a party but in which it claims an interest or touching any question other than a dispute in which the United States claims an interest.
>
> The manner in which it shall be made known whether the United States claims an interest and gives or withholds its consent shall be as follows:'

[1] Senate, 72d Congress, 1st Session, Report No. 758, p. 59.

Then follow certain paragraphs providing for an interchange of views between the United States and the Council or Assembly of the League of Nations designed to furnish the procedure by which the attitude of the United States towards any proposed question shall be ascertained and by which it shall be ascertained whether after such an exchange the question will still be insisted upon by the Council and opposed by the United States. They relate solely to diplomatic procedure between the United States and the Council or the Assembly of the League of Nations. They do not relate to the jurisdiction of the Court after the question is presented to that tribunal. They provide for negotiations by which the parties involved may, if they desire, settle out of court the question whether any advisory opinion shall be requested.

In the meeting of the committee of jurists Mr. Root's draft was condensed and modified but without impairing its acceptance of the fifth reservation. Both Mr. Root and Sir Cecil Hurst, who took part in the modification, stated before the committee of jurists that the new draft, which became the final draft in the protocol, fulfilled exactly the same purpose as the old and did not in any way change its substance. (See minutes of the committee of jurists[1], pp. 13 and 14.) In his testimony before your committee last winter, Mr. Root pointed out in detail how this final draft accepted the fifth reservation. (S. Ex. Doc. No. 1, 72d Congr., 1st sess., p. 58.)

The essential language of this final protocol is as follows:

> 'Article 1. The states signatories of the said protocol accept the special conditions attached by the United States in the five reservations mentioned above to its adherence to the said protocol upon the terms and conditions set out in the following articles....'

> 'Article 5. With a view to insuring that the Court shall not, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest, the secretary general of the League of Nations', etc.

Here follows in slightly altered form and details, without change in substance, the same procedural provisions for negotiations between the United States and the Council or Assembly of the League of Nations to ascertain whether the proposed request for an advisory opinion is objected to and shall be pressed. Nowhere, either in Mr. Root's draft or in the final draft, is there any term or condition affecting the absolute prohibition upon the jurisdiction of the Court to entertain such an advisory opinion on such a subject. The entire procedure provided for relates to the prelim-

[1] League of Nations Document C. 166. M. 66. 1929. V.

inary exchange of views between the United States and the Council or the Assembly of the League of Nations; none of it to the subsequent procedure in court. The restriction upon the jurisdiction of the Court provided in the reservation and accepted in articles 1 and 5 of the protocol remains untouched.

Mr. Root in his hearing before your committee luminously explained the purpose and utility of these preliminary negotiations and how greatly they tended to insure that a question objected to by the United States, if ever suggested, would not be finally presented to the Court. I wish now only to point out that at no point do they affect the prohibition upon the Court's jurisdiction which I am now discussing, but they relate solely to a preliminary diplomatic negotiation for settlement out of court.

If these preliminary negotiations result in no agreement as to the proposed question; if the Council persists with the question and the United States persists with its objection to the question, what is the result? Manifestly the next step is the same step as would be taken in a similar situation by any suitor before any court—the point of lack of jurisdiction will be suggested to the Court itself, and the Court itself will be shown that under its limited jurisdiction it can not proceed further with the question. This result inherently follows from the nature of the fifth Senate reservation itself and the fact that by that reservation itself there has been imposed upon the Court a jurisdictional limitation which the Court is bound to recognize.

The other recourse which the protocol gives to the United States, namely, of withdrawing from the Court is a recourse flowing out of the fact that this is an international court and the suitors are sovereign states not subject to a supersovereignty as in the case of domestic tribunals under municipal law. International tribunals in the final instance depend upon the strength of public opinion and the good will of the nations which support them. The machinery which they provide is machinery which can satisfactorily operate only in an atmosphere of frankness and good will. When that ceases; when a situation is arrived at where there is danger that feelings of obstinacy and ill will may be developed, it is better that the machinery shall be dissolved; and the protocol provides in article 8 for that event.

It seems to me that such an analysis makes clear that the much discussed fifth reservation of the Senate is accepted in its entirety by the pending protocol. But if there is the slightest doubt in the minds of the committee as to this, the interpretative resolution which I understand has been suggested by Senator Reed, would make sure beyond peradventure that no other interpretation could in the future prevail. By Senator Reed's resolution, it could be put beyond the possibility of further question that the interpretation which has been given us by Mr. Root shall be the authoritative interpretation of the future.

Apparently some confusion of thought has been engendered by failing to recognize that the Senate reservation itself does not seek

to impose a veto upon the request for an advisory opinion but solely upon the entertainment of such a request by the Court. From its language it is perfectly clear that it does not. We sought no veto upon the Council or the Assembly in making such a request. It would have been a rather singular position for the United States to ask for such a veto of the action of an organization of which we are not a member. What we did ask for was a limitation upon the action of the Court in entertaining such a request, and that we obtained.

As a matter of fact, however, the signatories of their own volition in this protocol actually did give us a certain amount of control over the making of the request. They provided that our objection to a request should be given in the Council or the Assembly 'the same force and effect as attaches to a vote against asking for the opinion given by a member of the League of Nations'. As it is still undetermined whether a resolution in the Council making a request for an advisory opinion must be passed unanimously or by majority vote, it is still undetermined whether this right thus given us amounts to a complete veto or not. But in all events we are placed upon absolute equality with the nations who are members of the Council or the Assembly of the League of Nations. As pointed out by Mr. Root, this was done not on our request but as 'a gesture of good-will' by the signatories who have enacted the protocol.

To sum up, the protection which is given us by this protocol as to advisory opinions is a special protection given upon our request and given to no other nation. The fifty-odd other nations who are members of the World Court have joined that institution without requesting or apparently feeling the need of such a precaution, although nearly all of them are weaker and smaller than we and thus presumptively more in need of such protection against being overreached by their fellow members. It is a protection which goes to the very jurisdiction of the Court, and if we join, can not be annulled or amended without our consent, and it is supplemented by other provisions in the protocol which are elaborately designed to give us an effective voice in the discussions which take place before a request for an advisory opinion is decided upon, and which will thus enable us to make our influence felt even before the portals of the Court are entered.

So much for the discussion of the protocol upon which you have asked my views. May I refer to certain other considerations which, in my opinion, go far to remove the original objections which the Senate had to the Statute of the World Court and which even without the protocol which I have discussed make adherence on the part of the United States unquestionably safe. When the subject was first discussed there was evidently fear in this country lest the use of advisory opinions might be so handled as to turn the World Court into a private adviser of the Council or the Assembly of the League of Nations, and that under this procedure the nations of the world might find themselves suddenly faced by decisions which had been rendered in private and in the discussion of which all parties interested had not been heard. Such a situation is no longer possible. The 10 years during which the Court

has been in existence and the amendments to its charter which have been made in the protocol of revision have removed such a situation beyond the realm of possibility. By the Rules adopted by the Court itself and the protocol of revision, which has frozen these rules into statute law, procedure in respect to advisory opinions has been assimilated entirely to the procedure which governs the regular procedure of all courts in the hearing of litigated cases.

Not only must advisory opinions be rendered in public after due notice to all States and after public hearing or opportunity for hearing to every State concerned, but under the rule adopted by the Court in the *Eastern Carelia* case the Court will not entertain a proposition for an advisory opinion in any dispute unless the parties to that dispute submit it to the jurisdiction of the Court. This rule has now been embodied in a Statute of the Court by the protocol of revision, and in itself and without reference to the protocol which we have discussed it protects the United States against an advisory opinion in any matter in which a dispute to which the United States is a party is involved. In other words, the World Court as now constituted can not take up either for formal litigation or for advisory opinions any matter involving a dispute to which we are a party unless we voluntarily join in the submission of that controversy to the Court.

The further I have examined this question of advisory opinions and the longer I have reflected upon these protocols the more clear I am that not only have the conditions originally imposed by the Senate reservations been fully met, but that additional machinery has been provided for preliminary negotiations which greatly enhances the efficacy of the reservations themselves. By the ready willingness of our fellow signatories to these statutes our utmost precautions have been more than met. Our views as to the necessity and proprieties of judicial procedure have been adopted and we are offered the opportunity by adherence to throw the great influence of this country into a development of this Court along the lines which have made American judicial procedure cherished and famous.

By joining we incur absolutely no liabilities (except the insignificant liability to pay our share of the Court's expenses), while on the contrary we gain a power to exercise our influence not only in the choice of the judges of the Court but in its methods of procedure as well, which we do not now have. Never before was the world in greater need of the orderly development of international rules of conduct by the wise method of judicial decision, which we Americans are so well acquainted with in the development of the common law of this country. We have delayed long in availing ourselves of that opportunity. I sincerely hope that we will now assume the privileges and the responsibility of taking a part in that growth in the future.

(*Signed*) HENRY L. STIMSON."

In May 1932, the Foreign Relations Committee of the Senate considered the question of the ratification of the Pro-

tocols concerning the Court. It decided to recommend the Senate to ratify them with certain reservations. The Committee's report [1], drawn up by Senators Walsh (Montana) and Fess, is dated June 1st, 1932; it reproduces the resolution the adoption of which the Committee recommends to the Senate, and then proceeds to give the history of the question of adherence and the reasons operating in favour of the ratification of the Protocols by the United States. The report is as follows:

"Under instructions from the Committee on Foreign Relations, the undersigned submit to the Senate three documents, copies of which are hereto attached, marked, respectively, 'Exhibits A, B, and C', concerning the Permanent Court of International Justice, transmitted by the President of the United States on December 10, 1930, and regularly referred to said committee, with resolutions in relation to the same, as follows:

'Whereas the President, under date of December 10, 1930, transmitted to the Senate a communication, accompanied by a letter from the Secretary of State dated November 18, 1929, asking the favorable advice and consent of the Senate to adherence by the United States to the protocol of date December 16, 1920, of signature of the statute for the Permanent Court of International Justice, the protocol of revision of the statute of the Permanent Court of International Justice of date September 14, 1929, and the protocol of accession of the United States of America to the protocol of signature of the statute of the Permanent Court of International Justice of date September 14, 1929, all of which are set out in the said message of the President dated December 10, 1930: Therefore be it

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the adherence by the United States to the said three protocols, the one of date December 16, 1920, and the other two each of date September 14, 1929 (without accepting or agreeing to the optional clause for compulsory jurisdiction), with the clear understanding of the United States that the Permanent Court of International Justice shall not, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest.

The signature of the United States to the said protocol shall not be affixed until the powers signatory to such protocol shall have indicated, through an exchange of notes, their acceptance of the foregoing reservations and understandings as a part and a condition of adherence by the United States to the said protocol.

Resolved further, as a part of this act of ratification, that the United States approve the protocol and statute hereinabove mentioned, with the understanding that recourse to the Permanent

[1] Senate, 72d Congress, 1st Session, Report No. 758.

Court of International Justice for the settlement of differences between the United States and any other State or States can be had only by agreement thereto through general or special treaties concluded between the parties in dispute; and

Resolved further, That adherence to the said protocol and statute hereby approved shall not be so construed as to require the United States to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall adherence to the said protocol and statute be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.'

The document first above referred to is the statute or constitution under which the Court was organized, being, in substance, a treaty among the signatories upon which the tribunal is founded; the second makes effective some modifications of that statute shown by experience to be desirable; and the third, a protocol or treaty tendered by the signatories to the first two instruments to the United States looking to its joining as one of the nations supporting the Court.

The resolution above recited is not an unequivocal acceptance of the protocol of accession, in that it provides that the signature of the United States shall not be attached thereto until through an exchange of notes the powers now upholding the Court signify their acceptance of the reservations and understandings in the resolution set out. To that part of the resolution, adopted on the motion of Senator Moses, the authors of this report find themselves unable to assent.

It would seem quite unnecessary at this time to expatiate on the wisdom of joining with the other 48 nations by which the Court is sustained. Its purpose is the resolution of controversies capable of determination by the application of legal principles; that is to say, disputes justiciable in character, by judges presumably learned in the law and constituting a permanent court. Such controversies must be, according to the Statute, 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.

It will be noted that not all disputes between nations can be submitted to the Court, but only those of the class mentioned, and it may be remarked in passing that though such disputes may often contribute to rancor and ill will between nations they are not of the class likely to culminate in war. It is the hope, however, of those who for many years have looked to the establishment of such an institution that mankind, finding a means through the court for the adjustment of such disputes as may be heard by it will, in time, be disposed to adopt other equally efficient, peaceful means for the settlement of international differences not cognizable by a court, thus averting the tragedy of war.

The delegation from the United States to The Hague Conference of 1907, under explicit directions from our State Department, labored vainly to secure the establishment of a permanent international court, the need of which was then generally recognized, but the project failed by reason of inability to agree upon a method of selecting the judges satisfactory to the large and small nations alike.

By the Covenant of the League of Nations, in the formulation of which President Wilson had a leading part, it was charged with the duty of setting on foot a movement for the institution of such a tribunal as a result of which the Permanent Court of International Justice came into being and began functioning 10 years ago, the statute having been drafted by a committee of jurists appointed by the Council of the League, of which Hon. Elihu Root was a member.

It may be well to remark here that the Council of the League consists of representatives of Great Britain, France, Germany, Italy, and Japan and of nine of the other 50 members of the League, the States so entitled to representation other than those specifically named being designated annually by the Assembly in which each member is represented.

The opportunity was afforded to our Government to join in the protocol giving force to the Statute so drafted, and on February 24, 1923, President Harding, by a message transmitted to the Senate, asked its advice and consent to adherence by the United States to the protocol, with certain reservations suggested by the then Secretary of State, the Hon. Charles Evans Hughes, later a judge of the Court and now Chief Justice of the United States, who warmly commended ratification. President Coolidge in his annual message of date December 3, 1924, urged such action and again more elaborately in his message of the following year.

Finally the Senate was urged, in the message of President Hoover, of date December 10, 1930, to consent to adherence, his request being accompanied by a letter from the present Secretary of State, Hon. Henry L. Stimson, in support of the policy of adherence.

So it may be said that our association with the other powers by which the Court is maintained has had the approval of three Presidents and three Secretaries of State, all who have had the conduct of our foreign affairs since the Court came into existence. Adherence, upon terms hereafter to be considered, was approved by the Senate on January 27, 1926, by a vote of 76 to 17.

The House of Representatives, by formal resolution adopted March 3, 1925, went on record in favor of our Government's joining in the support of the Court.

It may, accordingly, be assumed that the people of the Nation by a decided majority at least, are committed to the policy of uniting with the signatories to the protocol by virtue of which the Court exists, leaving only as debatable the conditions of association.

As a part of the resolution of ratification the Senate, when the matter was last before it, attached five reservations, four of which were proposed by Mr. Secretary Hughes, the fifth originating with the Senate itself. The resolution then adopted is as follows:

[*See Second Annual Report, pp.* 84-85.]

The two concluding paragraphs need not be commented on further than to remark that the first supplementary resolution contemplates action by the Senate, and not by the Executive alone for the submission by the United States to the Court of any controversy, and the second is a declaration of policy in Congress used in The Hague treaty of 1907.

That the resolution of ratification might become effective the assent to the reservations on the part of the then signatories to the Court protocol was essential. On its terms being communicated to them officially, the League of Nations, at the instance of some of them, appointed another committee of jurists to consider the same and recommend what action should be taken. Our Government was requested to participate in the work of the committee, but it ignored the invitation. The committee found no particular fault with any of the American reservations except the fifth, concerning which some explanation may be helpful.

The Court, under its statute, may hear any controversy which the nations concerned may agree either generally or specifically to submit to it, and it may also, on request of either branch of the League, render an advisory opinion on any question of international law on which its views are so solicited. It was argued by the opponents of American adherence that the authority thus to respond to questions addressed to it by the League detracted from its character as a Court and made it, in effect, a department of justice of the League; that opinions might be solicited of and rendered by it in secret and without hearing some or all nations that might be interested. Nothing in the history of the Court afforded a basis for such fear; indeed, its rules, subject, however, to change, forbade anything of the kind, but to meet the argument Reservation V provided, first—

> 'That the Court shall not render any advisory opinion except publicly after due notice to all States adhering to the Court and to all interested States and after public hearing or opportunity for hearing given to any State concerned;'

The Court had held, in what is known as the Eastern Carelia case, that it would not answer a request for an advisory opinion on a question involved in a controversy between two nations except by their consent, the basic idea of the Statute being that the Court would adjudicate disputes only upon submission by the parties to it. It was argued, however, that the Court might at any time reverse its ruling in the Eastern Carelia case. Accordingly Reservation V provided in the second place,

> '.... nor shall it, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest'.

Another consideration, perhaps the leading one, inducing the adoption of the concluding clause of Reservation V, should be mentioned.

Under the Covenant of the League governing its operations unanimity is required for a decision on all questions (following the general rule in international assemblies) except in respect to procedure, as to which a majority is sufficient.

When Reservation V was adopted the view was accepted in the Senate that unanimity in the Council or the Assembly, as the case might be, is required for the submission to the Court of a request for an advisory opinion. In the hard-fought contest over adherence resulting in the adoption by the Senate in 1926 of the resolution of adherence, no one supported a contrary opinion. If, then, unanimity is required (and the question has never been determined), each nation represented on the Council may exercise a veto on any such request and without assigning any reason for its position. The main purpose of the clause under consideration was to put the United States on a footing of substantial equality with the nations represented on the Council in that regard, at least as to any dispute or question in which the United States has or may claim an interest.

To return to the conference of the jurists considering the reservations of the United States. The first part of Reservation V being in conformity with the rules of the Court, since crystallized in its statute, as will hereafter be shown, encountered no criticism, but with reference to the second part it was observed that, should it eventually be determined that the vote of a majority of the Council or Assembly would suffice to carry a resolution to request of the Court an advisory opinion, the United States with an absolute right of veto would occupy a favored position. It was proposed as a solution that the same force be given to an objection by the United States as an adverse vote in the branch of the League being moved to make the request. Another ground of objection presented was that no provision was made by which the objection of the United States could be signified until after the Council, for instance, had decided to submit the request, indeed until the request was actually before the Court, a condition which it was thought might seriously embarrass the body seeking the Court's opinion.

The discussion resulted in the drafting and eventual submission on September 23, 1926, to the United States of a protocol by acceding to which the United States should become an associate in the organization supporting the Court. The executive department neither indorsed the protocol nor did it ask the advice concerning or the consent of the Senate to the approval thereof. However, under date of February 19, 1929, Mr. Secretary Kellogg addressed an identic letter to the signatories to the Court protocol indicating his hope and belief that by further consultation some arrangement mutually agreeable might be effected. Acting upon this advance the League appointed another committee of jurists, including Mr. Elihu Root, further to consider the matters in issue. It worked out a protocol that has come to be known as the Root formula or the Root-Hurst formula, because it is largely the joint production of Mr. Root and Sir Cecil Hurst, long counsel to the British Foreign Office, a member of the Committee of jurists mentioned and now a judge of the Permanent Court of International Justice. It is as follows:

[*See Sixth Annual Report, pp.* 155-158.]

Before proceeding to discuss the essential differences, such as they are, between the terms on which the Senate proposed by its resolution of 1926 to adhere to the Court protocol and the terms on which the signatories propose by the protocol last above set forth the United States shall be associated with them, attention should be given to some important modifications in the Statute of the Court, in relation to advisory opinions, which change materially the situation as it was in 1926. As changed the chapter dealing with advisory opinions now reads as follows :

[*See Sixth Annual Report, pp.* 70-71.]

It will be noted (1) that the request must be in writing, plainly stating the question upon which an opinion is required ; (2) that notice must be sent all States entitled to appear before the Court (the United States being one such) ; (3) that any State may be heard ; (4) that the opinion must be delivered in open court ; and (5) finally that the court must be guided by provisions of the Statute applicable to contentious cases so far as they are appropriate. These provisions, making unchangeable the rules by which the Court had before the revision of the Statute been guided, effectually dispose of the contention that the Court might *in camera*, as it is expressed, that is, without public hearing and without publicity, render opinions in response to private requests from the League or one of its branches. It will be noticed, likewise, that they render wholly unnecessary the first part of Senate Reservation V, that is, they accomplish the same purpose.

The concluding paragraph, Article 68, is of special significance. The Court will not hear a contentious case except upon the consent of the parties to it, signified specially or generally. Each signatory to the treaty is at liberty to agree to submit all controversies it may have within the cognizance of the Court to its arbitrament, thus assenting generally, or it may sign reserving the right to submit or not to submit, as it chooses in each individual case.

By the resolution of adherence reported from the committee, the United States declines to agree generally but reserves freedom of action as to each separate controversy as it arises. The point is that no nation may be required, without its consent, to come before the Court, and it will not adjudicate a controversy between nations, one of which has not agreed to the Court's entertaining the dispute. Article 68 makes that rule applicable to requests for advisory opinions, that is to say, that if the question in reference to which the advisory opinion of the Court is requested is involved in a dispute between two nations, the request will not be entertained or the opinion given, except if the parties to the controversy join in the request or assent to the action solicited. This provision had for its prime purpose to establish inflexibly the rule announced by the Court in the Eastern Carelia case. A controversy having arisen between Finland and Russia which had defied diplomatic adjustment by reason of a difference between the parties

as to the proper construction of a treaty between them, Finland procured the Council of the League to request of the Court its opinion on the legal question thus in difference. But the Court held that to comply would be to take cognizance, in part at least, of the dispute, though Russia had neither generally nor specifically invoked its jurisdiction and to do so would, therefore, violate the basic idea underlying the Statute of the Court, namely, that it would hear controversies only on voluntary submission by the parties thereto.

Article 68 was drafted and recommended by a committee of jurists, proposing a number of amendments to the Court Statute, at the instance of Hon. Salmon O. Levinson, of Chicago, generally regarded as the father of the outlawry of war idea, set forth in the so-called 'Borah resolution' offered in the Senate February 13, 1922, and that eventually found expression in the Kellogg-Briand pact, Mr. Levinson's purpose being thus to make permanent the ruling in the Eastern Carelia case. It may be said in this connection that though Mr. Levinson in 1926 opposed adherence by the United States, he is now, largely by reason of the changes in the Court Statute referred to, enthusiastically in favor of that policy.

It is interesting to recall that the resolution last mentioned, introduced by the senior Senator from Idaho, contained the following paragraph:

> *Resolved*, ... That a judicial substitute for war should be created (or, if existing in part, adapted and adjusted) in the form or nature of an international court, modeled on our Federal Supreme Court in its jurisdiction over controversies between our sovereign States, such court to possess affirmative jurisdiction to hear and decide all purely international controversies, as defined by the code, or arising under treaties, and to have the same power for the enforcement of its decrees as our Federal Supreme Court, namely, the respect of all enlightened nations for judgments resting upon open and fair investigations and impartial decisions and the compelling power of enlightened public opinion.'

Accordingly, the half of the last half of Reservation V, that is to say, that part which relates to a 'dispute' to which the United States has or claims an interest is provided for, leaving nothing within the realm of controversy so far as the protocol before the Senate for adherence is concerned, except a 'question' not rising to the dignity of a 'dispute', in respect to which the United States has or claims an interest; in other words, if the Council or the Assembly should submit to the Court a request for an advisory opinion on a question not an element in any 'dispute' or controversy in which the United States is involved, our right to interpose a veto is to be determined by the provisions of the protocol. Such difference of opinion as arises as to our rights under the protocol is confined to that one narrow item.

It is not easy for the ordinary mind to grasp the difference between a 'dispute' and a 'question' as used in Article 14 of the Covenant of the League of Nations, incorporated by reference, as it is held, in the Statute of the Court, as follows:

'The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.'

Two opinions rendered by the Court may serve the purpose of clarification. Advisory Opinion No. 2 was promulgated in response to the following inquiry from the Council, namely, 'Does the competence of the international labour organization [an institution of the League, created by the Covenant] extend to the international regulation of the conditions of labor of persons employed in agriculture?' The Court answered that it does. Here was no dispute between nations, but the question called for a construction of the Covenant—a treaty.

Advisory Opinion No. 4 was radically different. A somewhat heated controversy subsisted between France and Great Britain as to whether British subjects in Tunis and Morocco could, by decree of the French Government, be made French citizens and subject therefor to military service in behalf of the local government. Involved in this dispute was the question of whether the right to legislate upon nationality was, under the circumstances, a purely domestic matter. At the request of both countries through the Council the opinion of the Court was asked and it answered that in view of certain treaties between the two countries affecting the question, it was not a purely domestic matter. That troublesome question having been disposed of, the two countries reached an agreement in respect to the matter in difference. Obviously the inquiry was one calling for an opinion on a 'dispute' and not a mere 'question'. So the opinion sought in the Eastern Carelia case was held by the Court to be upon a 'dispute'.

Having in mind the relatively insignificant part of the field covered by Reservation V, still open to contention, another change in the situation before the Senate in 1926 is to be considered. At that time it was believed by all taking part in the debate in the Senate, as stated, that unanimity in the Council or the Assembly was required for the submission of a request for an advisory opinion; at least that view was advanced by the friends of adherence who proposed Reservation V and no one of the talented and able lawyers among those who stubbornly opposed adherence controverted that view, although it was intimated that possibly the contention might be made that a majority vote would suffice. The States members of the Council then having, as it was believed, in their power to prevent the submission of a question, the reservation contemplated that the United States should be on a footing of equality with the same right to exercise a veto. It enjoys equality under the revised protocol of adherence. If the unanimity rule prevails, it has a veto; if the majority rule, its objection to submission counts as though it were voting on submission. It can arrest submission of a dispute to which it is a party. Its objection goes to defeat a majority vote on the submission of a 'question' if the majority rule obtains. It may be said in passing that not only was the view that unanimity is essential accepted without dissent in the debate of 1926, but in an addres by Dr. Edwin M. Borchard, professor of international

law at Yale University, a determined opponent of adherence, before the American Conference on Institutions for the Establishment of International Justice, as late as May 4, 1932, having the benefit of the extended discussion of the question since 1926, took the position that no other construction is permissible.

But if that position is not sound, if the majority rule should eventually be upheld, the United States runs no more risk of having an embarrassing 'question' put up to the Court for an advisory opinion than any other of the 48 signatories to the Court protocol. So far as can be learned no one of them is possessed of any apprehension over the matter. Why should the United States alone feel concern?

By Article 1 of the protocol of accession before the Senate, the signatories to the protocol upon which the Court rests, accept the five reservations made by the Senate in 1926 as a condition of adherence, 'upon the terms and conditions set out in the following articles of the protocol'. Article 2 specifically accords to the United States, as provided in the 1926 reservations, the right to participate in the election of the judges of the Court, and Article 3, in conformity with the reservations, forbids any modification of the Court Statute without the consent of the United States. Article 4 gives further assurance of open hearings on request for advisory opinions. Article 5 starts out as follows:

> 'With a view to insuring that the Court shall not, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest....'

Provision is then made for the notification to the United States of any proposal to request the opinion of the Court that it may indicate to the Powers concerned its objection, if it has any, and for an exchange of views looking either to the withdrawal of the proposal or the objection. Then follow two paragraphs giving rise to a divergence of view as to the construction to be given the protocol. These provisions are as follows:

> 'With regard to requesting an advisory opinion of the Court in any case covered by the preceding paragraphs, there shall be attributed to an objection of the United States the same force and effect as attaches to a vote against asking for the opinion given by a Member of the League of Nations in the Council or in the Assembly.
>
> If, after the exchange of views provided for in paragraphs 1 and 2 of this article, it shall appear that no agreement can be reached and the United States is not prepared to forego its objection, the exercise of the powers of withdrawal provided for in Article 8 hereof will follow naturally without any imputation of unfriendliness or unwillingness to cooperate generally for peace and goodwill.'

It is the contention of Mr. Root who, as before stated, had a conspicuous part in the drafting of the protocol and in the discussions leading to its adoption by the committee of jurists, that

it leaves Reservation V in full vigor, unimpaired, and notwithstanding any language in the protocol the Court can not, without the consent of the United States, entertain any request for an advisory opinion touching either a 'dispute' or a 'question' in which the United States has or claims an interest. He maintains that Article 5 of the protocol was intended simply to provide the procedure by which the Council or the Assembly might be advised in advance of an objection by the United States affording an opportunity for negotiation on the matter in difference between it and the proponent of the request and for notice by the Court to the United States should a request come to it for an opinion without its having been afforded such opportunity, and for a stay to permit diplomatic exchanges.

By the resolution of adherence reported by the committee, the Senate would declare its acceptance of the Root view of the protocol, and indicate to the other signatories that it adheres with that understanding of the purport thereof.

In the committee this view was combated and the position stoutly maintained that as to a 'question' the proponent insisting on its proposal and the Council or the Assembly, as the case may be, supporting it by the requisite vote, the request would go to the Court, which, assuming it held that neither by virtue of the protocol nor by reason of the provision of the Covenant requiring unanimity on all votes in the Council or the Assembly except on matters of procedure, has the United States any right of veto, would proceed, leaving to the United States only the right to withdraw without prejudice as provided in the last paragraph of Article 5.

No attempt will here be made to resolve the controversy over the proper construction to be given to the protocol. It must be admitted that, to say the least, it is ambiguous and one can not help regretting that in the preparation of treaties opportunity is so often left for either side plausibly to contend for such a construction as seems to it best to suit its purpose. It is difficult to understand why, after the very direct language of Article 1 and the opening clause of Article 5, doubt should be cast upon the all but necessary implication thereof by what follows. What could be more direct than the language last above referred to, 'With a view to *insuring* that the Court shall not, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest', etc. And for that matter, what might one expect from the language of Article 1?

As indicated, however, it is, in the opinion of the subscribers, for present purposes, of no material consequence which view is the correct one.

As pointed out, the controversy affects only the matter of an opinion on a 'question' not rising to the dignity of a 'dispute'. If it is involved in any controversy between the United States and any other nation, we may interpose a veto. It relates only to the case of a proposal by some nation or nations through the Council or the Assembly for an opinion by the Court on some question of international law on which the United States would prefer that it give no opinion, presumably because, perchance, this

country might thereby be embarrassed should it subsequently be embroiled in a controversy with some power in which the same principle would be involved. This peril seems to the subscribers to be so remote as that it may be ignored. But whatever it be, as heretofore indicated, it is shared by every signatory to the protocol. Moreover, we are even now in exactly that peril. At any time since the Court was organized it might have laid down principles either through ordinary judgments or advisory opinions that might thus prove embarrassing to the United States at some time in the future. True, our country might, perhaps, be more free in a controversy with another nation to combat any principle asserted on the authority of the Court, were we not one of its sponsors, but we could not escape the persuasive force of a decision by so respectable a Court even though we held entirely aloof from it. To illustrate: The Court held in the Lotus case that a nation may enact and enforce laws for the punishment of one doing an injury to one of its citizens or subjects on the high seas. If an American should be arrested charged under such a law, our Government, in demanding his release upon the ground that such a statute is invalid under international law, could scarcely escape the persuasive force of the decision in the Lotus case. Our Government in any controversy with a signatory, is liable to be confronted with a decision of the Court rendered in response to a request for an advisory opinion, to the rendition of which we may now interpose no objection. The peril some Senators profess to fear from advisory opinions on 'questions' is small indeed, but whatever it is, that peril is lessened rather than heightened by adherence under the protocol tendered.

Even so, where a proposal for an advisory opinion is before the Council or the Assembly it must consider whether the United States objecting, it has not the right under the protocol, as contended by Mr. Root, to interpose a veto. If it should hold otherwise, it must then consider whether the unanimity rule is controlling, in which case the United States may veto. If that hurdle should be taken, a majority, counting the United States in the negative, must sustain the proposal despite the opposition of our Government. That difficulty having been overcome, the Court must be satisfied that the Root contention is unsound and that unanimity in the Council or the Assembly is not essential to the submission to the Court of the request.

Finally if the position of the United States is just, it is a reasonable supposition that the Court will so hold. The contingency against which the paragraph of the resolution reported by the committee and adopted at the instance of Senator Moses, who opposes adherence on any terms, is so remote as to be negligible. The difference, as a practical matter between the original Reservation V and the protocol of accession now before the Senate, is so slight, even though the Root construction be rejected, as to approach the vanishing point.

For the information of those not familiar with the general outlines of the Statute it may be said that the Court consists of 15 judges, no two of whom can be of the same nationality. They are elected for the term of nine years by the members of the Council and the Assembly of the League of Nations, the United States having the right, under the protocol of accession, to participate in the election through a representative in each electoral body. Candidates must be nominated by the panel of each signatory on the roster of the judges of the Permanent Court of International Arbitration, the old Hague tribunal, the panel of the United States at present consisting of Elihu Root, John Bassett Moore, Newton D. Baker, and Robert E. Olds. The jurisdiction of the Court, except for the matter of advisory opinions, is defined by Article 36 of the Statute as follows:

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

It will be noted that the Court can take jurisdiction only of such cases 'as the parties refer to it', unless a signatory shall agree that all disputes in which it may be involved, falling within the classes, shall be submitted to the Court. It is not proposed that the United States shall so agree. It may be said in this connection that at the outset few of the signatories assented to the compulsory jurisdiction of the Court as to them, and that none of the leading Powers did so. But so satisfactory has been the work of the Court, so beneficial has it proven, that 37 States have now signed the optional clause, including France, Great Britain, Germany, and Italy. It has come to be realized by the most painful experience that the whole world suffers from a war of any magnitude, and that every nation is consulting its own

interest in contributing toward averting such a catastrophe. It is quite likely that Europe will continue largely to monopolize the attention of the Court with its unfortunate quarrels, that subject us to the chance of being again enveloped should they culminate in general hostilities. Whether the question be viewed selfishly or altruistically, our Government ought to give to the Court the moral support that would follow from association in maintaining it."

Lastly, it should be stated that Mr. Linthicum, Chairman of the Committee on Foreign Relations of the House of Representatives, moved the following resolution for adoption by the Senate and the House of Representatives (Joint Resolution authorizing an appropriation as the contribution of the United States to the expenses of the Permanent Court of International Justice for the calendar year 1932) [1]:

"Whereas the Permanent Court of International Justice established under the protocol of December 16, 1920, is now being maintained by more than fifty nations at The Hague; and

Whereas this World Court has functioned successfully since 1922 and has held twenty-six sessions and has handed down forty judgments and advisory opinions; and

Whereas on February 24, 1923, President Harding and Secretary Hughes proposed that the United States should participate with other nations in maintaining this court, and this proposal was later repeated by President Coolidge and Secretary Kellogg and by President Hoover and Secretary Stimson; and

Whereas on March 3, 1925, the House of Representatives by resolution expressed its 'cordial approval' of the Court and an 'earnest desire' for American participation in maintaining it; and

Whereas on January 27, 1926, the Senate gave its advice and consent to the adherence by the United States to the Court protocol of December 16, 1920, with reservations; and

Whereas on December 9, 1929, the Court protocol of December 16, 1920, a protocol of September 14, 1929, relating to the adherence of the United States, and a protocol of September 14, 1929, relating to the amendment of the Court statute, were signed on behalf of the United States by direction of the President; and

Whereas the three Court protocols have not been ratified by the United States; and

Whereas since 1923 the American members of the Permanent Court of Arbitration have regularly made nominations of candidates in the elections of judges of the Court; and

Whereas in 1921 John Bassett Moore was elected a judge of the Court and was succeeded in 1928 by Charles Evans Hughes, who was succeeded in 1930 by Frank B. Kellogg, who is now a judge of the Court; and

[1] House Joint Resolution 378, Seventy-Second Congress, first session.

Whereas the Court has been since 1922, and is now, open to the United States for the hearing of any international differences which the United States may in agreement with other States submit to it ; and

Whereas the United States has signed and ratified various international conventions which contain provisions for possible references of differences to the Court, including the slavery convention of September 25, 1926, the convention for the abolition of import and export prohibitions and restrictions of November 8, 1927, and the convention on the manufacture of narcotics of July 13, 1931 ; and

Whereas the expenses of the Court, including the salaries of American judges, have heretofore been paid by the governments of other countries, without any contribution by the United States ; and

Whereas the proposal of American participation, which has been supported by three Presidents and three Secretaries of State, would involve for the United States no other obligation than that of paying a share of the Court's expenses, the exact amount to be determined by the Congress of the United States : Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $53,895.85 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, as the contribution of the United States to the expenses of the Permanent Court of International Justice for the calendar year 1932, that sum being the amount paid by the largest contributor among other countries, and the President is hereby authorized to pay that sum to the treasurer of the Court for that purpose."

On May 6th, 1932, the Committee for Foreign Affairs assembled in order to discuss this resolution. Up till now, no decision was taken in this respect.

*

The Protocol of September 14th, 1929, concerning the adherence of the United States to the Court, had, on June 15th, 1932, received the signatures of the following States :

Union of South Africa, Albania, United States of America, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Esthonia, Ethiopia, Finland, France, Germany, Greece, Great Britain and Northern Ireland, Guatemala, Haiti, Hungary, India, Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Persia, Peru,

Poland, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, Venezuela, Yugoslavia.

On the same date, the following States had deposited their instruments of ratification :

Union of South Africa, Albania, Australia, Austria, Belgium, Bulgaria, Canada, China, Colombia, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, France, Great Britain and Northern Ireland, Germany, Greece, Hungary, India, Irish Free State, Italy, Japan, Latvia, Luxemburg, Netherlands, New Zealand, Norway, Persia, Poland, Portugal, Roumania, Siam, Spain, Sweden, Switzerland, Yugoslavia.

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 regulates this matter. (See First Annual Report, p. 142.)

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[2] to the effect that they are entitled to appear before it, are now as follows :

Afghanistan, Costa Rica, Free City of Danzig (through the intermediary of Poland), Egypt, Georgia, Iceland, Liechtenstein, Monaco, Russia, San Marino, Turkey[3].

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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 analyzed 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] Except in the case of Costa Rica, which was notified of the Resolution by the Secretary-General of the League of Nations when it was still a Member of the League of Nations (see Seventh Annual Report, p. 180).

[3] On July 18th, 1932, Turkey became a Member of the League of Nations.

Contributions towards the expenses of the Court.

(See Fifth Annual Report, p. 150.)

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(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, 1932, as a result of the steps taken in 1922 or in 1928, the channels to be used for direct communications emanating from tho Court are as follows:

South Africa (Union of—)	The Prime Minister of the Union of South Africa, Capetown.	
America (United States of—)	The Secretary of State, Washington.	Through the U.S. Legation at The Hague.
Argentine Republic	Ministry for Foreign Affairs, Buenos Ayres.	Through the Argentine Legation at The Hague.
Australia	The Prime Minister of the Commonwealth of Australia, Melbourne.	
Austria	The Federal Chancellory, Department for Foreign Affairs, Vienna.	
Belgium	The Minister for Foreign Affairs, Brussels.	
Brazil	The Ministry for Foreign Affairs, Rio de Janeiro.	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 Minister for Foreign Affairs, Santiago.	
China	The Chinese Legation at The Hague.	
Colombia	The Ministry for Foreign Affairs, Bogotá.	
Cuba	The Secretary of State for Foreign Affairs, Havana.	
Czechoslovakia	The Czechoslovak Minister at The Hague.	
Danzig	The Polish Minister at The Hague.	
Denmark	The Danish Legation at The Hague.	In case of extreme urgency: The Ministry for Foreign Affairs, Copenhagen.
Dominican Republic	The Secretary of State for Foreign Affairs, San Domingo.	
Ecuador	The Ministry for Foreign Affairs, Quito.	
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 Delegation to the League of Nations at Geneva.
Haiti	The Secretary of State for Foreign Affairs, Port-au-Prince.	
Honduras	The Ministry for Foreign Affairs, Tegucigalpa.	

Hungary	The Hungarian Minister at 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, Tokio.	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, 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 Ministry for Foreign Affairs, The Hague.	
New Zealand	The High Commissioner for New Zealand, New Zealand Government Offices, Strand, London, W.C.2.	
Nicaragua	The Ministry for Foreign Affairs, Managua.	
Norway	The Ministry for Foreign Affairs, Oslo.	Through the Norwegian Legation at The Hague.
Panama	The Ministry for Foreign Affairs, Panama.	
Persia	The Ministry for Foreign Affairs (3rd Section), Teheran.	

Peru	The Peruvian Chargé d'affaires at The Hague.	The Court's publications are sent direct to the Ministry for Foreign Affairs at Lima.
Poland	The Polish Minister at The Hague.	
Portugal	The Minister for Foreign Affairs, Lisbon.	
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.	
Siam	The Ministry for Foreign Affairs, Bangkok.	Copy to the Siamese Legation in London.
Spain	The Ministry of State, Madrid.	Through the Spanish Legation at The Hague.
Sweden	The Swedish Minister at The Hague.	
Switzerland	The Swiss Minister at The Hague.	
Turkey	The Ministry for Foreign Affairs, Ankara.	Through the Turkish Legation at The Hague.
Uruguay	The Ministry for Foreign Affairs, Montevideo.	
Venezuela	The Venezuelan Legation at The Hague.	
Yugoslavia	The Yugoslav Minister at The Hague.	

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

II.

JURISDICTION AS AN ADVISORY BODY.

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

The twenty-six 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.

The following tables give a list of the cases submitted to the Court for advisory opinion, divided into these two categories. The number in the general list, the governments or international organizations directly interested in the case and the date of the request for an advisory opinion are also indicated.

Requests from the Council *proprio motu*.

The following belong to the first category:

Number in general list.	Name of the case.	Governments and internat. organizations directly interested.	Date of request for advisory opinion.
6	German settlers in Poland [1]	Germany/Poland	March 2nd, 1923
8	Acquisition of Polish nationality [2]	Germany/Poland	July 11th, 1923
16	Polish postal service at Danzig [3]	Danzig/Poland	March 14th, 1925
17	Expulsion of the Œcumenical Patriarch [4]		March 21st, 1925
20	Frontier between Turkey and Iraq (Mosul question) [5]	Great Britain/Turkey	Sept. 23rd, 1925
29	Jurisdiction of the Danzig Courts [6]	Danzig/Poland	Sept. 24th, 1927
39	Railway traffic between Lithuania and Poland [7]	Lithuania/Poland	Jan. 28th, 1931
41	Customs régime between Germany and Austria (Protocol of March 19th, 1931) [8]	Austria, Germany/France, Italy and Czechoslovakia	May 19th, 1931
44	Access to and anchorage in the port of Danzig for Polish war vessels [9]	Danzig/Poland	Sept. 25th, 1931
45	Caphandaris-Molloff Agreement of December 9th, 1927 [10]	Bulgaria/Greece	Sept. 26th, 1931

[1] See First Annual Report, p. 204.
[2] ,, ,, ,, ,, ,, 210.
[3] ,, ,, ,, ,, ,, 231.
[4] ,, ,, ,, ,, ,, 237.
[5] ,, Second ,, ,, ,, 140.
[6] ,, Fourth ,, ,, ,, 213.
[7] ,, p. 221.
[8] ,, ,, 216.
[9] ,, ,, 226.
[10] ,, ,, 238.

The following belong to the second category:

Number in general list.	Name of the case.	Governments and internat. organizations directly interested.	Date of request for advisory opinion.
1	International Labour Organization and the conditions of agricultural labour[1]	France, Great Britain, Hungary, Italy, Portugal, Sweden, International Labour Office, International Agricultural Commission, International Federation of Landworkers, Central Association of French Agriculturalists, International Institute of Agriculture, International Federation of Christian Unions of Landworkers, International Federation of Agricultural Trades' Unions	May 22nd, 1922
2	Nomination of the Workers' delegate to the International Labour Conference[2]	Great Britain, Netherlands, Sweden, International Labour Office, Netherlands General Confederation of Trades Unions, International Federation of Trades Unions, International Confederation of Christian Trades Unions	May 22nd, 1922
3	International Labour Organization and methods of agricultural production[3]	Esthonia, France Haiti, Sweden, International Labour Office, International Institute of Agriculture, International Confederation of Agricultural Trades Unions	July 18th, 1922

[1] See First Annual Report, p. 189.
[2] " " " " " 185.
[3] " " " " " 189.

Number in general list.	Name of the case.	Governments and internat. organizations directly interested.	Date of request for advisory opinion.
4	Nationality Decrees in Tunis and Morocco [1]	France/Great Britain	Nov. 6th, 1922
7	Status of Eastern Carelia [2]	Finland/Union of Socialist Soviet Republics of Russia	April 27th, 1923
9	Polish-Czechoslovakian frontier (question of Jaworzina) [3]	Czechoslovakia/ Poland	Sept. 29th, 1923
13	Monastery of Saint-Naoum (Serbian-Albanian frontier) [4]	Albania/ Yugoslavia	June 17th, 1924
15	Exchange of Greek and Turkish populations [5]	Greece, Turkey, Mixed Commission for the exchange of Greek and Turkish populations	Dec. 18th, 1924
21	International Labour Organization and personal work of the employer [6]	International Labour Organization, International Organization of Industrial Employers, International Federation of Trades Unions, International Confederation of Christian Trades Unions	March 20th, 1926
23	Jurisdiction of the European Commission of the Danube [7]	France, Great Britain, Italy/ Roumania	Dec. 18th, 1926
35	Interpretation of the Greco-Turkish Agreement of December 1st, 1926 (Final Protocol, Art. IV) [8]	Greece/Turkey	June 7th, 1928

[1] See First Annual Report, p. 195.
[2] " " " " " 200.
[3] " " " " " 215.
[4] " " " " " 221.
[5] " " " " " 226.
[6] " Third " " " 131.
[7] " Fourth " " " 201.
[8] " Fifth " " " 227.

Number in general list.	Name of the case.	Governments and internat. organizations directly interested.	Date of request for advisory opinion.
37	Greco-Bulgarian "Communities" [1]	Bulgaria/Greece	Jan. 17th, 1930
38	Danzig and the International Labour Organization [2]	Danzig, Poland, International Labour Organization	May 15th, 1930
40	Access to German Minority Schools in Polish Upper Silesia [3]	Germany/Poland	Jan. 31st, 1931
42	Treatment of Polish nationals, etc., at Danzig [4]	Danzig/Poland	May 23rd, 1931
48	Employment of women during the night	International Labour Organization, International Federation of Trades Unions, International Federation of Christian Trades Unions, Great Britain	May 10th, 1932

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(See Fifth Annual Report, pp. 159-160, Sixth Annual Report, pp. 178-179, and Seventh Annual Report, pp. 186-187.)

Procedure for voting upon requests for opinions.

The Eleventh Assembly had decided to communicate to the governments of Members of the League of Nations the report of the Committee for the amendment of the Covenant and subsequent documents. The answers of governments were considered by the Twelfth Assembly upon the report of the First Committee. With regard to the procedure for votes on requests for advisory opinions, the Committee's report recalled that a certain number of States held that it was desirable to entrust to the Council the duty of proposing suitable measures to ensure that its unanimous recommendations were carried into effect. To justify this extension of the effect of unanimous recommendations, it had been

[1] See Seventh Annual Report, p. 245.
[2] " " " " , " 255.
[3] " " " " , " 261.
[4] " p. 232.

proposed to provide that the Council might, by a majority vote, ask the Court for an advisory opinion on points of law relevant to the dispute. But the report stated that the discussions in the Committee had confirmed the opinion already expressed by the previous year's Sub-Committee, that an amendment of this character would not secure the necessary ratifications.

On September 25th, 1931, the Assembly noted the report of its First Committee and decided to create a committee for the purpose of seeking unanimous agreement on the bases indicated in the report.

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 contract of private law.

The synopsis which precedes the *third* edition (1926) of the *Collection of Texts governing the jurisdiction of the Court* contains an analysis and a classification of those of the various clauses which were known at the time.

The *fourth* edition (1932) of the *Collection of Texts governing the jurisdiction of the Court* reproduces—divided into two categories: A.: appointments by the Court; B.: appointments by the President—the relevant provisions of instruments of this nature which had come to the knowledge of the Registry on January 31st, 1932.

To the two lists contained in previous Annual Reports the following additions are to be made in respect of the period June 15th, 1931, to June 15th, 1932.

(*a*) APPOINTMENTS BY THE COURT.

(See Third Annual Report, p. 104, Fourth Annual Report, p. 136, Sixth Annual Report, p. 180, and Seventh Annual Report, pp. 188-189.)

Since June 15th, 1931, the Court has not been notified of any instrument under which it might in certain circumstances be asked to make an appointment.

Nevertheless, the Court was called upon to appoint a successor to M. Nyholm, deceased, who had been appointed by it as a member of the Hungaro-Yugoslav Mixed Arbitral Tribunal, under Agreement No. II concluded at Paris between Hungary and the Creditor Powers (see Seventh Annual Report, pp. 188-189). The Court decided to undertake this mission, and its choice fell on M. Frederik Hammerich (Denmark), former President of the Anglo-Turkish and Italo-Turkish Mixed Arbitral Tribunals.

(*b*) APPOINTMENTS BY THE PRESIDENT (THE VICE-PRESIDENT OR THE OLDEST JUDGE OF THE COURT).

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

(See Third Annual Report, pp. 105-108, Fourth Annual Report, pp. 136-137, Fifth Annual Report, pp. 161-162, Sixth Annual Report, pp. 180-181, and Seventh Annual Report, pp. 189-190.)

Agreements for the pacific settlement of international disputes.

Appointment in certain circumstances of a President of a conciliation commission :

Treaty of conciliation and arbitration between Latvia and Lithuania.—Kovno, November 24th, 1930.

Appointment in certain circumstances of three members of a conciliation commission :

Treaty of conciliation, judicial settlement and arbitration between Greece and Spain.—Athens, January 23rd, 1930.

Treaty of arbitration between Denmark and Latvia.—Riga, February 28th, 1930.

Treaty of conciliation and judicial settlement between Latvia and Lithuania.—Riga, April 28th, 1931.

Appointment in certain circumstances of three arbitrators :

Pact of friendship, conciliation and judicial settlement between Greece and Yugoslavia.—Belgrade, March 27th, 1929.

Convention of conciliation, arbitration and judicial settlement between Belgium and Greece.—Athens, June 25th, 1929.

Convention of conciliation, arbitration and judicial settlement between Luxemburg and Roumania.—Luxemburg, January 22nd, 1930.

Treaty of conciliation, judicial settlement and arbitration between Greece and Spain.—Athens, January 23rd, 1930.

Convention of conciliation, judicial settlement and arbitration between Belgium and Yugoslavia.—Belgrade, March 25th, 1930.

Treaty of friendship, conciliation, arbitration and judicial settlement between Austria and Greece.—Vienna, June 26th, 1930.

Convention of conciliation, arbitration and judicial settlement between Belgium and Lithuania.—Geneva, September 24th, 1930.

Treaties of commerce.

Appointment in certain circumstances of an umpire:

Commercial Agreement between the High Commissioner for South Africa and the Governor-General of Mozambique.—Cape Town, February 13th, and Lourenço Marques, February 18th, 1930.

Treaty of commerce and navigation between Czechoslovakia and Roumania.—Štrbské Pleso, June 27th, 1930.

Treaty of commerce and navigation between Great Britain and Roumania.—London, August 6th, 1930.

Convention of commerce and navigation between Esthonia and Finland.—Tallin, April 11th, 1931.

Convention regarding conditions of residence, commerce and navigation between Austria and Roumania.—Vienna, August 22nd, 1931.

Appointment in certain circumstances of three arbitrators or of a third arbitrator:

Commercial Convention between France and Switzerland.—Berne, July 8th, 1929.

Treaty of commerce between Switzerland and the Belgian-Luxemburg Economic Union.—Berne, August 26th, 1929.

Treaties of peace and various conventions.

Appointment in certain circumstances of a third arbitrator:

Convention relating to the settlement of questions arising out of the delimitation of the frontier between Czechoslovakia and Hungary.—Prague, November 14th, 1928.

Treaty regarding the settlement of legal questions connected with the frontier described in Article 27, paragraph 6, of the Treaty of Saint-Germain-en-Laye, between Austria and Czechoslovakia.—Prague, December 12th, 1928.

Treaty of friendship between Germany and Persia.—Teheran, February 17th, 1929.

Agreement regarding the release of property, rights and interests of German nationals, between Canada and Germany.—The Hague, January 14th, 1930.

Convention between Austria and Yugoslavia concerning the application and execution of certain provisions of the General Agreement of The Hague, between Austria and the Creditor States, concluded on January 20th, 1930.—Belgrade, December 8th, 1930.

Treaty of friendship between Esthonia and Persia.—Moscow, October 3rd, 1931.

Appointment in certain circumstances of three arbitrators:

Agreement regarding the complete and final settlement of the question of reparations.—The Hague, January 20th, 1930.

Agreement regarding the final discharge of the financial obligations of Austria.—The Hague, January 20th, 1930.

Agreement regarding the settlement of Bulgarian reparations.—The Hague, January 20th, 1930.

Convention respecting the Bank for International Settlements.—The Hague, January 20th, 1930.

Protocol concerning Germany and respecting the suspension of certain inter-governmental debts.—London, August 11th, 1931.

Appointment in certain circumstances of three arbitrators or of a third arbitrator:

Treaty of friendship between Belgium and Persia.—Teheran, May 23rd, 1929.

Finally, the following should be mentioned: At the public hearing on April 22nd, 1932, in the case of the free zones of Upper Savoy and the Pays de Gex, the Agent for the Swiss Government made a declaration to the effect that the Franco-Swiss negotiations with a view to the execution of the undertaking given by Switzerland in the note of May 5th, 1919 (whereby Switzerland undertook, on the understanding that the free zones of Upper Savoy and the District of Gex were maintained, to regulate in a manner more appropriate to the economic conditions of the present day the terms of the exchange of goods between the regions in question), might take place, should France so request, with the assistance and subject to the mediation of three experts, who would be empowered to fix—with binding effect for the Parties—in so far as might be necessary by reason of the absence of agreement between them, the terms of the settlement to be enacted in virtue of the undertaking given by Switzerland. The experts were to be appointed from amongst the nationals of countries other than France and Switzerland, by the judge acting as President of the Court for the purposes of the case of the free zones, or, should he be unable to do so, by the President of the Court. By letters of April 25th, 1932, the President of the Swiss Confederation requested the judge acting as President and the President of the Court to undertake this task. By letters of April 28th, 1932, the judge acting as President and the President of the Court replied agreeing to comply with this request.

2.—*Under a contract of private law.*

Under a convention concluded on August 27th, 1925, between the Greek Government and the *Société commerciale*

de Belgique, the President of the Court was requested in March 1932 to appoint an expert to determine the price of an order for material placed in October 1931 with the Company by the Greek Ministry of Communications. The President has already, under the same convention, appointed experts and a third arbitrator (see Second Annual Report, pp. 95-96, and Seventh Annual Report, p. 190).

Another private company, which was in negotiation with a government, approached the President of the Court asking him whether, if a clause to that effect were inserted in the contract to be concluded between it and the government in question, he would be prepared, in certain circumstances, to appoint a third arbitrator. The President replied in the affirmative.

* * *

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. These are generally claims for compensation for dispossession and arise 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. Most of these disputes have arisen in countries which have undergone territorial readjustments ; for instance, persons entitled to pensions (former officials, war-cripples, widows) who have changed their nationality complain that payment of their pensions is refused both by the State in whose service they were and by the succession State. Very often also claims are received for compensation for injuries resulting from the war, for debts dating from before the war and for the depreciation of assets in specie and in securities.

The First Annual Report (pp. 155 *et sqq.*), the Third Annual Report (pp. 109 *et sqq.*), the Fifth Annual Report (pp. 162 *et sqq.*) and the Seventh Annual Report (p. 191) gave several examples showing what is, as a general rule, the nature of such cases ; in response to such applications the Registrar 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".

Two of these cases however, which the Registrar thought it right to lay before the Court, should be mentioned here.

A person who stated that he was acting on behalf of the "Confederacy of Six Nations of the Grand River", asked under what conditions the "Confederacy" could submit to the Court "certain differences with the United States of America and Great Britain arising (*inter alia*) under the Boundary Waters Treaty of 1909[1] and amendments thereto, and entered into between the two latter States". The Registrar having, in reply, drawn the attention of the person in question to Articles 34 and 35 of the Statute, the latter asked the Court to place a flexible construction upon Article 35 of the Statute. Having considered this request, the Court confined itself to approving the answer given by the Registrar.

In the other case, an Armenian, who claimed to be acting on behalf of a group of his compatriots, had addressed several applications to the Court. In response to these, the Registrar had returned the usual reply to the effect that the case could not be entertained. Not satisfied with this reply, the person in question again approached the Court apparently with a view to obtaining a reply from the Court itself on the question of jurisdiction. The Court decided simply to approve the replies made by the Registrar.

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[1] Treaty between the United States and Great Britain relating to boundary waters and questions arising along the boundary between the United States and the Dominion of Canada, signed at Washington on January 11th, 1909. —Martens, *N. R. G.*, 3rd Series, Vol. IV, p. 208.

INTRODUCTION TO CHAPTERS IV AND V.

In conformity with Article 27 of its Rules, as amended on February 13th, 1931, the ordinary session of the Court opens on February 1st in each year; furthermore, the President may summon an extraordinary session of the Court whenever he thinks it desirable.

DATES OF THE SESSIONS HELD BY THE COURT.
(Table brought up to date August 11th, 1932.)

Order number.		Year.	Date of opening.	Date of closure
Preliminary	—	1922	January 30th	March 24th
First	O[1]	,,	June 15th	August 12th
Second	E	1923	January 8th	Feb. 7th
Third	O	,,	June 15th	Sept. 15th
Fourth	E	,,	Nov. 12th	Dec. 6th
Fifth	O	1924	June 16th	Sept. 4th
Sixth	E	1925	January 12th	March 26th
Seventh	E	,,	April 14th	May 16th
Eighth	O	,,	June 15th	June 19th
			July 15th	August 25th
Ninth	E	,,	October 22nd	Nov. 21st
Tenth	E	1926	February 2nd	May 25th
Eleventh	O	,,	June 15th	July 31st
Twelfth	O	1927	June 15th	Dec. 16th
Thirteenth	E	1928	February 6th	April 26th
Fourteenth	O	,,	June 15th	Sept. 13th
Fifteenth	E	,,	Nov. 12th	Nov. 21st
Sixteenth	E	1929	May 13th	July 12th
Seventeenth	O	,,	June 17th	Sept. 10th
Eighteenth	O	1930	June 16th	August 26th
Nineteenth	E	,,	October 23rd	Dec. 6th
Twentieth	O	1931	January 15th	Feb. 21st
Twenty-First	E	,,	April 20th	May 15th
Twenty-Second	E	,,	July 16th	Oct. 15th
Twenty-Third	E	1931-32	Nov. 5th	Feb. 4th
Twenty-Fourth	O	1932	February 1st	March 8th
Twenty-Fifth	E	,,	April 18th	August 11th

[1] O: Ordinary Session.
E: Extraordinary Session.

The following table gives a list of the judgments and opinions, as also of certain orders made in the nature of judgments, in the cases dealt with in the first twenty-six sessions of the Court, and it indicates the page of the Annual Report on which each has been summarized, the serial numbers of the Court's publications [1] in which the relevant documents have been printed, and a summary of the decisions.

[1] The references are based on the new style of numbering adopted by the Court in 1931 for Series A., B. and C. of its publications. For the former numbering, see the tables of corresponding numbers given in the present volume on p. 310 (for Series A. and B.), and p. 314 (for Series C.).

JUDGMENTS AND OPINIONS GIVEN BY THE COURT.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
The nomination of the workers' delegate for the Netherlands at the third session of the International Labour Conference. Date: July 31, 1922. General list: No. 2. (Opinion No. 1.)	International Labour Conferences.—Nomination of non-government delegates; duties of governments. Article 389, paragraph 3, of Treaty of Versailles.	Series E., No. 1, p. 185	Series A./B., No. 1; Series C., No. 1.
Competence of the International Labour Organization in regard to agriculture. Date: Aug. 12, 1922. General list: No. 1. (Opinion No. 2.)	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 E., No. 1, p. 189	Series A./B., No. 2; Series C., No. 1.
Competence of the International Labour Organization in regard to agricultural production. Date: Aug. 12, 1922. General list: No. 3. (Opinion No. 3.)	International Labour Organization.—Its competence in regard to production (agricultural or otherwise).	Series E., No. 1, p. 189	Series A./B., No. 2; Series C., No. 1.
Nationality decrees in Tunis and Morocco. Date: Feb. 7, 1923. General list: No. 4. (Opinion No. 4.)	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 E., No. 1, p. 195	Series A./B., No. 3; Series C., Nos. 2 and 3.
The Status of Eastern Carelia. Date: July 23, 1923.	Dispute between a Member and a non-Member of the League of Nations (Article 17 of the Covenant).—The consent of	Series E., No. 1, p. 200	Series A./B., No. 4;

Name of the case.	Summary.	Short report.	Full report and relevant documents.
General list : No. 7. (Opinion No. 5.)	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., Nos. 4 and 5.
The S.S. *Wimbledon*. Date : Aug. 17, 1923. General list : No. 5. (Judgment No. 1.)	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 E., No. 1, p. 163	Series A./B., No. 5 ; Series C., Nos. 4, 5 and 8.
German Settlers in Poland. Date : Sept. 10, 1923. General list : No. 6. (Opinion No. 6.)	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 E., No. 1, p. 204	Series A./B., No. 6 ; Series C., Nos. 4, 6 and 7.
Acquisition of Polish nationality. Date : Sept. 15, 1923. General list : No. 8. (Opinion No. 7.)	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, Art. 4).	Series E., No. 1, p. 210	Series A./B., No. 7 ; Series C., Nos. 4, 6 and 7.
Delimitation of the Polish and Czechoslovak frontiers. (The Jaworzina question.) Date : Dec. 6, 1923. General list : No. 9. (Opinion No. 8.)	Conference of Ambassadors.—Arbitral character of its decisions.—Its competence to interpret its decisions.—The fixing of a frontier line.—Powers of delimitation commissions.	Series E., No. 1, p. 215	Series A./B., No. 8 ; Series C., No. 9.
The Mavrommatis concessions in Palestine (jurisdiction). Date : Aug. 30, 1924.	Nature of an objection to the jurisdiction of the Court.—Negotiations a condition precedent to judicial proceedings.—The notion of "public control".—Interna-	Series E., No. 1, p. 169	Series A./B., No. 9 ; Series C., No. 10.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
General list : No. 12. (Judgment No. 2.)	tional obligations accepted by the Mandatory.—What concessions are maintained by Protocol XII of Lausanne.—Retroactivity and considerations of form in international law.		
Question of the Monastery of Saint-Naoum. Date : Sept. 4, 1924. General list : No. 13. (Opinion No. 9.)	Conference of Ambassadors.—Definitive character of certain of its decisions.—Its competence to revise them.—Existence of a material error or a new fact.	Series E., No. 1. p. 221 ; Series E., No. 2, p. 137	Series A./B., No. 10 ; Series C., No. 11.
Treaty of Neuilly, Article 179, Annex, paragraph 4 (interpretation). Date : Sept. 12, 1924. General list : No. 11. (Judgment No. 3.)	Scope of the application of paragraph 4 as regards persons and territory.—Relations between said paragraph and reparations.	Series E., No. 1, p. 180	Series A./B., No. 11 ; Series C., No. 12.
The Exchange of Greek and Turkish populations. Date : Feb. 21, 1925. General list : No. 15. (Opinion No. 10.)	Establishment and domicile.—National legislation as a means for the interpretation of international instruments.—Mixed Commission : concurrent jurisdiction of national courts.	Series E., No. 1, p. 226	Series A./B., No. 12 ; Series C., No. 14.
Interpretation of Judgment No. 3. Date : March 26, 1925. General list : No. 14. (Judgment No. 4.)	Request for an interpretation under Article 60 of the Statute.	Series E., No. 1, p. 180	Series A./B., No. 13 ; Series C., No. 13.
The Mavrommatis concessions at Jerusalem (merits). Date : March 26, 1925. General list : No. 10. (Judgment No. 5.)	The conditions for the validity of the Mavrommatis Jerusalem concessions.—A partial and transient violation of international obligations suffices to establish reponsibility.—Indemnity not payable when no causal relation between violation and damage proved.—Protocol XII : right to readaptation of valid concessions.	Series E., No. 1, p. 176	Series A./B., No. 14 ; Series C., No. 15.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
The Polish Postal Service at Danzig. Date : May 16, 1925. General list : No. 16. (Opinion No. 11.)	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 E., No. 1, p. 231 ; Series E., No. 2, p. 139	Series A./B., No. 15 ; Series C., No. 16.
Certain German interests in Polish Upper Silesia (jurisdiction). Date : Aug. 25, 1925. General list : No. 19. (Judgment No. 6.)	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 E., No. 2, p. 100	Series A./B., No. 16 ; Series C., No. 17.
Interpretation of Article 3, paragraph 2, of the Treaty of Lausanne (Frontier between Turkey and Iraq—Mosul question). Date : Nov. 21, 1925. General list : No. 20. (Opinion No. 12.)	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 Covenant), the votes of interested Parties not being taken into account (Art. 15 of Covenant).	Series E., No. 2, p. 140	Series A./B., No. 17 ; Series C., No. 19.
Certain German interests in Polish Upper Silesia (merits). Date : May 25, 1926. General list : Nos. 18 and 18 *bis*. (Judgment No. 7.)	The Court may give declaratory judgments.—Compatibility of the Polish law of July 14th, 1920, and the Upper Silesian Convention.—Derogations from the principle of respect for vested rights are in the nature of exceptions.—Right of Poland to avail herself of the Armistice Convention and the Protocol of Spa	Series E., No. 2, p. 109	Series A./B., No. 18 ; Series C., Nos. 20, 21, 22.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
	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.		
Competence of the International Labour Organization to regulate incidentally the personal work of the employer. Date : July 23, 1926. General list : No. 21. (Opinion No. 13.)	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 E., No. 3, p. 131	Series A./B., No. 19 ; Series C., No. 23.
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. Date : Jan. 8, 1927. General list : No. 22. (Order.)	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 E., No. 3, p. 125	Series A./B., No. 20 ; Series C., No. 36.
The rescission, on the request of the Applicant, of the interim measures in-	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 E., No. 3, p. 129	Series A./B., No. 20 ; Series C., No. 36.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
dicated by the Order of January 8th, 1927. Date: Feb. 15, 1927. General list: No. 22. (Order.)	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.		
Claim for indemnity in respect of the Factory at Chorzów (jurisdiction). Date: July 26, 1927. General list: No. 26. (Judgment No. 8.)	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 E., No. 4, p. 155	Series A./B., No. 21; Series C., No. 24.
Case of the *Lotus*. Date: Sept. 7, 1927. General list: No. 24. (Judgment No. 9.)	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 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.	Series E., No. 4, p. 166	Series A./B., No. 22; Series C., No. 25.
Case of the readaptation of the Mavrommatis Jerusalem concessions (jurisdiction).	Mandate for Palestine (Art. 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	Series E., No. 4, p. 176	Series A./B., No. 23; Series C., No. 26.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
Date : Oct. 10, 1927. General list : No. 28. (Judgment No. 10.)	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.		
Request for measures of interim protection in the case relating to the Factory at Chorzów (indemnities). Date : Nov. 21, 1927. General list : No. 25. (Order.)	Request for interim measures of protection and submissions as regards the merits.—Composition of the Court.	Series E., No. 4, p. 163	Series A./B., No. 24 ; Series C., No. 35.
Case relating to the jurisdiction of the European Commission of the Danube between Galatz and Braila. Date : Dec. 8, 1927. General list : No. 23. (Opinion No. 14.)	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.—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 E., No. 4, p. 201 ; Series E., No. 5, p. 223	Series A./B., No. 25 ; Series C., Nos. 27, 28, 29, 30.
Interpretation of Judgments Nos. 7 and 8 (case relating to the Factory at Chorzów). Date : Dec. 16, 1927. General list : No. 30. (Judgment No. 11.)	Conditions requisite in order that a request for interpretation should be admissible (Article 60 of the Statute of the 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* (Art. 59 of the Statute).	Series E., No. 4, p. 184	Series A./B., No. 26 ; Series C., No. 31.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
Jurisdiction of the Danzig Courts. Date : March 3, 1928. General list : No. 29. (Opinion No. 15.)	An international instrument does not constitute a direct source for rights or obligations in regard to persons subject to municipal law unless a contrary intention of the Parties appears (1) from the terms of the instrument itself and (2) from the facts 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 E., No. 4, p. 213	Series A./B., No. 28 ; Series C., No. 32.
Case relating to certain rights of minorities in Upper Silesia (minority schools). Date : April 26, 1928. General list : No. 31. (Judgment No. 12.)	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 E., No. 4, p. 191	Series A./B., No. 29 ; Series C., No. 33.
Interpretation of the Greco-Turkish Agreement of December 1st, 1926 (Final Protocol, Article IV). Date : Aug. 28, 1928. General list : No. 35. (Opinion No. 16.)	Analysis of the request submitted to the Court.—Formulation of the question to which the Court's opinion is intended to reply.—Powers of the Mixed Commission of Exchange as regards the settlement of disputes.—Interpretation of the relevant instruments ; spirit of these instruments.	Series E., No. 5, p. 227	Series A./B., No. 31 ; Series C., No. 34.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
The Factory at Chorzów (claim for indemnities—merits). Date : Sept. 13, 1928. General list : No. 25. (Judgment No. 13.)	Import of the Application.—A violation of a right involves an obligation to make reparation.—Reparation at international law : injury suffered by a State ; injury suffered by a private person.—Relevance of Article 256 of the Treaty of Versailles in this case.—Establishment of the fact that the Companies concerned have suffered injury.—Appraisement of this injury : determination of principles and institution of an Expert enquiry.—Method of payment ; set-off under international law.	Series E., No. 5, p. 183	Series A./B., No. 32 ; Series C., No. 35.
The Factory at Chorzów (claim for indemnities—merits). Date : Sept. 13, 1928. General list : No. 25. (Order.)	Institution of an expert enquiry.—Determination of the subject-matters of the enquiry.—Composition of the Committee of experts ; its procedure.—Allocation of expenses.	Series E., No. 5, p. 196	Series A./B., No. 32 ; Series C., No. 35.
Case of the denunciation by China of the Treaty of November 2nd, 1865, between China and Belgium. Date : May 25, 1929. General list : No. 22. (Order.)	Termination of proceedings by withdrawal of suit.	Series E., No. 5, p. 203	Series A./B., No. 33 ; Series C., No. 36.
Case concerning the Factory at Chorzów (claim for indemnities—merits). Date : May 25, 1929. General list : No. 25. (Order.)	Termination of proceedings by agreement.	Series E., No. 5, p. 200	Series A./B., No. 33 ; Series C., No. 37.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
Case concerning the payment of various Serbian loans issued in France. Date : July 12, 1929. General list : No. 34. (Judgment No. 14.)	Jurisdiction of the Court : admissibility of the suit, capacity of the Parties, subject-matter of the dispute.—Interpretation of contracts : the preliminary documents and the execution of the contracts.—Existence of the gold clause : its significance ; whether effective.—Law applicable to the loans.	Series E., No. 5, p. 205	Series A./B., No. 34 ; Series C., No. 38.
Case concerning the payment in gold of the Brazilian Federal loans issued in France. Date : July 12, 1929. General list : No. 33. (Judgment No. 15.)	Jurisdiction of the Court.—Interpretation of the contracts : the preliminary documents and the execution of the contract.—Existence of the gold clause : its significance ; whether effective.—The law applicable to the loans ; estimation by the Court of the weight to be attached to the doctrine of the French courts under the terms of the Special Agreement.	Series E., No. 5, p. 216	Series A./B., No. 34 ; Series C., No. 39.
Case concerning the territorial jurisdiction of the International Commission of the Oder. Date : Aug. 15, 1929. General list : No. 36. (Order.)	In a case submitted by Special Agreement, a Party cannot confine itself to making oral submissions only in regard to one of the questions put.	Series E., No. 6, p. 217	Series A./B., No. 36 ; Series C., No. 44.
Case of the free zones of Upper Savoy and the District of Gex. Date : Aug. 19, 1929. General list : No. 32. (Order.)	The Parties to a case before the Court may not depart from the terms of the Statute.—Interpretation of the Special Agreement : ascertainment of the common intention of the Parties and the construction which will render it possible to comply with that intention, whilst keeping within the terms of the Statute. Definition of the Court's task.—Interpretation of Article 435 of the Treaty of Versailles.—Fixing of a time-limit.	Series E., No. 6, p. 201	Series A./B., No. 35 ; Series C., Nos. 40, 41, 42, 43.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
Case concerning the territorial jurisdiction of the International Commission of the Oder. Date : Aug. 20, 1929. General list : No. 36. (Order.)	Inadmissibility in evidence of preliminary work in which all Parties to a case have not participated.	Series E., No. 6, p. 217	Series A./B., No. 36 ; Series C., No. 44.
Case concerning the territorial jurisdiction of the International Commission of the Oder. Date : Sept. 10, 1929. General list : No. 36. (Judgment No. 16.)	The provisions applicable in this case.—Jurisdiction of the Commission under the Treaty of Versailles.—Conditions governing the interpretation of a text in the sense most favourable to the freedom of States.—Basis of the fluvial law of the Treaty of Versailles.	Series E., No. 6, p. 218	Series A./B., No. 36 ; Series C., No. 44.
Question of the Greco-Bulgarian Communities. Date : July 31, 1930. General list : No. 37. (Opinion No. 17.)	Interpretation of the Convention between Greece and Bulgaria respecting Reciprocal Emigration, dated November 27th, 1919 : the communities, their rights, their dissolution ; the powers of the Mixed Commission.	Series E., No. 7, p. 245	Series A./B., No. 37 ; Series C., No. 45.
The Free City of Danzig and the International Labour Organization. Date : Aug. 26, 1930. General list : No. 38. (Opinion No. 18.)	Interpretation of the question raised.—Compatibility of the special legal situation of the Free City with membership of the International Labour Organization : conduct by Poland of the foreign affairs of the Free City, nature of the Organization's activities.—Admissibility of the Free City of Danzig in virtue of an agreement between Poland and the Free City approved by the League of Nations.	Series E., No. 7, p. 255	Series A./B., No. 38 ; Series C., No. 46.
Case of the free zones of Upper Savoy and the District of Gex (second phase).	Interpretation of Article 435 of the Treaty of Versailles : the Order of August 19th, 1929.—Respect for the treaty rights of Switzerland ; respect for the	Series E., No. 7, p. 233	Series A./B., No. 39 ; Series C., Nos. 47-51.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
Date: Dec. 6, 1930. General list: No. 32. (Order.)	sovereignty of France.—Mission of the Court in virtue of the Special Agreement; interpretation of the Special Agreement.—Fixing of a further time-limit, after the expiry of which the final judgment will be rendered.		
Access to German Minority Schools in Polish Upper Silesia. Date: May 15, 1931. General list: No. 40. (Advisory Opinion.)	German minorities in Polish Upper Silesia.—The educational system, admission to Minority schools, declaration concerning the language of children.—The Geneva Convention of May 15th, 1922, between Germany and Poland, Articles 69, 74, 131, 132 and 149.—Resolutions of the Council of the League of Nations of March 12th and December 8th, 1927, institution by way of exception of language tests.—Judgment of the Permanent Court of International Justice of April 26th, 1928, the German Government v. the Polish Government, interpretation of the Convention, retroactive operation.—Purpose and effect of the language tests instituted in 1927 by the Council.—Conclusive character of the language declarations.	Series E., No. 7, p. 261	Series A./B., No. 40; Series C., No. 52.
Customs régime between Germany and Austria (Protocol of March 19th, 1931). Date: Sept. 5, 1931. General list: No. 41. (Advisory Opinion.)	Treaty of Peace of Saint-Germain of September 10th, 1919, Article 88, and Geneva Protocol No. I of October 4th, 1922.—Inalienability of the independence of Austria.—Acts calculated to compromise this independence. Projected Austro-German Customs Union.—Question of compatibility.	Series E., No. 8, p. 216	Series A./B., No. 41; Series C., No. 53.
Railway traffic between Lithuania and Poland (railway sector Landwarów-Kai-	Transit by railway.—Covenant of the League of Nations, Article 23 (*e*); Convention of Paris concerning Memel of 1924, Annex III, Article 3; Convention of Barce-	Series E., No. 8, p. 221	Series A./B., No. 42; Series C., No. 54.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
siadorys). Date: Oct. 15, 1931. General list: No. 39. (Advisory Opinion.)	lona of 1921 on Transit; Statute, Articles 2 and 7.—Relations between Lithuania and Poland: Resolutions of the Council of the League of Nations of December 10th, 1927, and December 14th, 1928.		
Access to and anchorage in the port of Danzig for Polish war vessels. Date: Dec. 11, 1931. General list: No. 44. (Advisory Opinion.)	Relations between Poland and the Free City of Danzig: free and secure access to the sea for Poland through the port of Danzig; protection of Danzig by the League of Nations (defence of the Free City).—Treaty of Versailles, Articles 102-104.—Danzig-Polish Convention of November 9th, 1920, Articles 20, 26, 28.—Resolutions of the Council of the League of Nations of November 17th, 1920, and June 22nd, 1921.	Series E., No. 8, p. 226	Series A./B., No. 43; Series C., No. 55.
Treatment of Polish nationals and other persons of Polish origin or speech in the Territory of Danzig. Date: Feb. 4, 1932. General list: No. 42. (Advisory Opinion.)	Legal status of the Free City of Danzig.—Treaty of Versailles of June 28th, 1919; Convention of Paris between Poland and the Free City of Danzig of November 9th, 1920; Constitution of the Free City; guarantee of the Constitution by the League of Nations.—The right of Poland to submit to the High Commissioner of the League of Nations at Danzig disputes concerning the Constitution (Treaty of Versailles, Art. 103; Convention of Paris, Art. 39).—Interpretation of Article 104: 5 of the Treaty of Versailles; relation between that provision and Article 33, paragraph 1, of the Convention of Paris; interpretation of the latter provision.	Series E., No. 8, p. 232	Series A./B., No. 44; Series C., No. 56.
Interpretation of the Greco-Bulgarian Agreement of December 9th, 1927	Interpretation of the Caphandaris-Molloff Agreement. Competence of the Council of the League of Nations under Article 8 of the aforesaid Agreement.—Bulgarian	Series E., No. 8, p. 238	Series A./B., No. 45; Series C., No. 57.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
(Caphandaris-Molloff Agreement). Date : March 8, 1932. General list : No. 45. (Advisory Opinion.)	reparations debt (Treaty of Peace of Neuilly of November 27th, 1919, Art. 121 ; Agreement of The Hague of January 20th, 1930 ; Trust Agreement of March 5th, 1931).—Greek debt to Bulgaria for reciprocal and voluntary emigration (Convention of Neuilly of November 27th, 1919 ; Emigration Regulation of March 6th, 1922 ; Plan of Payments of December 8th, 1922 ; Caphandaris-Molloff Agreement of December 9th, 1927).—Application of the Hoover proposal of June 20th, 1931, to the aforesaid debts (Report of the Committee of Experts of August 11th, 1931 ; Resolutions of the Council of the League of Nations of September 19th, 1931 ; Greco-Bulgarian Arrangement of November 11th, 1931).—Jurisdiction of the Court in advisory procedure (Art. 14 of the Covenant of the League of Nations).		
Case concerning the free zones of Upper Savoy and the District of Gex. Date : June 7, 1932. General list : No. 32. (Judgment.)	Interpretation of Article 435, paragraph 2, of the Treaty of Versailles with its Annexes (Swiss note of May 5th, 1919 ; French note of May 18th, 1919) : has this provision abrogated, or is it intended to lead to the abrogation of "the old stipulations" regarding the following free zones : the zone of the Pays de Gex ; the "Sardinian" zone ; the zone of Saint-Gingolph and the "Lake" zone ? (Treaties of Paris of May 30th, 1814, and November 20th, 1815 ; Act of the Congress of Vienna of June 9th, 1815 ; declarations of the Powers of March 20th and 29th and November 20th, 1815 ; Protocol of November 3rd, 1815 ; Acts of Accession of the Helvetic Diet of May 27th and August 12th, 1815 ; Treaty of Turin of	Series E., No. 8, p. 191	Series A./B., No. 46 ; Series C., No. 58.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
	March 16th, 1816; Manifesto, etc., of September 9th, 1829.) Settlement of the "new régime" for the free zones: New pleas submitted in the last phase of the proceedings (the *rebus sic stantibus* clause): admissibility of these pleas.—Importations free of duty: power of the Court to regulate this matter.—Power of the Court, having declared that it has no jurisdiction to undertake a part of the task entrusted to it, to deliver a judgment.—Limitations upon the Court's jurisdiction resulting from the sovereignty of the States concerned in the case.—Customs cordon and control cordon.		
Interpretation of the Statute of the Memel Territory (preliminary objection). Date: June 24, 1932. General list: No. 50. (Judgment.)	Convention of May 8th, 1924, concerning Memel, Article 17: jurisdiction of the Council of the League of Nations and of the Court; is the jurisdiction of the Court conditional on prior consideration of the dispute by the Council?	Series E., No. 8, p. 207.	Series A./B., No. 47; Series C., No. 59.
Legal status of the South-Eastern Territory of Greenland. Date: Aug. 3, 1932. General list: Nos. 52 and 53. (Order.)	Dismissal of a request for indication of interim measures of protection; Article 41 of the Statute: indication of interim measures of protection at the request of the Parties or *proprio motu*; possible future indication of interim measures of protection reserved.	See note p. 211.	Series A/B. No. 48.
Interpretation of the Statute of the Memel	Convention of May 8th, 1924, concerning Memel; Statute of the Memel Territory annexed to the	See note p. 211.	Series A./B., No. 49;

Name of the case.	Summary.	Short report.	Full and relevant documents.
Territory (merits). Date : Aug. 11, 1932. General list : No. 47. (Judgment.)	aforesaid Convention.—Interpretation, in particular, of Articles 1, 2 and 17 of the Convention, and of Articles 2, 6, 7, 10, 12, 16 and 17 of the Statute.—Powers of the Governor of the Territory in respect of : (*a*) the dismissal of the President and members of the Directorate of the Memel Territory ; (*b*) the constitution of a Directorate ; (*c*) the dissolution of the Chamber of Representatives of the Territory. —Conditions governing the exercise of these powers.		Series C., No. .

The Seventh Annual Report has reproduced, on pages 199 to 231, the data given in the general list for the forty-three cases which had been submitted to the Court up till July 12th, 1931. The tables which follow hereafter (pp. 178-189) supplement those of the Seventh Annual Report, by giving the data from the general list concerning the cases decided by the Court since June 15th, 1931, and the cases pending before the Court on August 12th, 1932.

The general list is arranged under the following headings:

I. *Number in list.*
II. *Short title.*
III. *Date of registration.*
IV. *Registration number.*
V. *File number in the Archives.*
VI. *Nature of case.*
VII. *Parties.*
VIII. *Interventions.*
IX. *Method of submission.*
X. *Date of document instituting proceedings.*
XI. *Time-limits for filing of documents in written proceedings.*
XII. *Prolongation of time-limits, if any.*
XIII. *Date of termination of written proceedings (date of entry in session list).*
XIV. *Postponements.*
XV. *Date of the beginning of the hearing (date of the first public sitting).*
XVI. *Observations.*
XVII. *References to earlier or subsequent cases.*
XVIII. *Solution (nature and date).*
XIX. *Removal from the list (nature and date).*
XX. *References to publications of the Court relating to the case.*

Notes.

Fol. No. 32.

I. 32.

II. **Free zones of Upper Savoy and the District of Gex.**

III. 29. III. 28.

IV. I. 11408.
I. 11409.

V. E. c. XVI. 1.
E. c. XVI. 2.

VI. Contentious case.

VII. France, Switzerland.

VIII.

IX. Special arbitration agreement.

X. Date of special agreement, 30. X. 24. (The special agreement came into force 21. III. 28.)
Date of documents notifying special agreement, 29. III. 28.

XI. *First phase :*
5. IX. 28 (Cases).
23. I. 29 (Counter-Cases).
12. VI. 29 (Replies).
Second phase :
31. VII. 30 (Documents, Proposals and Observations).
30. IX. 30 (Replies).
Third phase :
30. IX. 31 (Observations provided for by the Order of 6. XII. 30).

XII.

XIII. *First phase :*
12. VI. 29.
Second phase :
30. IX. 30.
Third phase :
30. IX. 31.

XIV.

XV. *First phase :*
9. VII. 29.
Second phase :
23. X. 30.
Third phase :
19. IV. 32.

XVI. *First phase :*
17th (ordinary) Session.
Second phase :
19th (extraordinary) Session.
Third phase :
25th (extraordinary) Session.

XVII.

XVIII. *First phase :*
Order according to the Parties a period for negotiation (expiring 1. V. 30) : 19. VIII. 29.
Second phase :
Order according to the Parties a further period for negotiation (expiring, subject to extension, on 31. VII. 31) : 6. XII. 30.
Third phase :
Judgment : 7. VI. 32.

XIX.

XX. *First phase :*
Series A., Vol. 22.
,, C., ,, 17—I (4 vol.).
Series E., ,, 6, p. 201.
Second phase :
Series A., Vol. 24.
,, C., ,, 19—I (5 vol.).
Series E., ,, 7, p. 233.
Third phase :
Series A./B., Vol. 46.
,, C., ,, 58.
,, E., ,, 8, p. 191.

Notes.

(1) *The attention of the following States was called to the right reserved to them to inform the Court, should they so desire, that they wished to intervene under Article 63 of the Statute:* Parties to one of the following treaties:

The Treaty of Paris of November 20th, 1815, the Treaty of Turin of March 16th, 1816, the Treaty of Versailles of June 28th, 1919, namely: Australia, Austria, Belgium, Bolivia, Brazil, Canada, Cuba, Czechoslovakia, Germany, Great Britain, Greece, Guatemala, Haiti, Honduras, India, Italy, Japan, Liberia, New Zealand, Nicaragua, Panama, Peru, Poland, Portugal, Roumania, Serb-Croat-Slovene State, Siam, Union of Socialist Soviet Republics, Union of South Africa and Uruguay.

(2) By letters dated 28. III. 30 (I. 16302) and 29. IV. 30 (I. 16493), the Parties informed the Court of the break-down of the negotiations provided for by the Order of 19. VIII. 29.

(3) By letters dated 29. VII. 31 (I. II. 2024) and 30. VII. 31 (I. II. 2037), the Parties informed the Court of the break-down of the negotiations provided for by the Order of 6. XII. 30.

Fol. No. 39.

I. 39.

II. **Railway traffic between Lithuania and Poland.**

III. 31. I. 31.

IV. I. II. 268.

V. F. b. XXI. 1.

VI. Advisory opinion.

VII. *Members, States and Organizations*

(*a*) *to which a communication was addressed under Article 73, No. 1, paragraph 2, of the Rules of Court:*

Lithuania, Poland, Advisory and Technical Committee for Communications and Transit;

(*b*) *which submitted written statements to the Court:*

Lithuania, Poland;

Entry approved on February 2nd, 1931.

(*c*) *accorded a hearing by the Court:*

Lithuania, Poland, Advisory and Technical Committee for Communications and Transit.

VIII.

IX. Request signed by the Secretary-General of the League of Nations.

X. 28. I. 31. (Council's Resolution, 24. I. 31.)

XI. 1. VI. 31 (first written statement).
15. VII. 31 (second written statement).

XII.

XIII. 20. VII. 31.

XIV.

XV. 16. IX. 31.

XVI. 22nd (extraordinary) Session.

XVII.

XVIII. Advisory Opinion : 15. X. 31.

XIX.

XX. Series A./B., Vol. 42.
,, C., ,, 54.
,, E., ,, 8, p. 221.

Notes.

(1) *In connection with the case, a communication was addressed to the following, drawing their attention to the terms of Article 73, No. 1, paragraph 3, of the Rules of Court:*
States parties to the Covenant of the League of Nations ; to the Convention and Statute relating to Freedom of Transit, signed at Barcelona on April 20th, 1921 ; to the Convention and transitory provision relating to Memel, signed at Paris on May 8th, 1924, and to the Treaty of Commerce and Navigation between Germany and Lithuania of October 30th, 1928.

(2) The second written statement of the Polish Government was filed on 20. VII. 31. The Court decided to accept it, although filed after the expiration of the time-limit fixed.

Fol. No. 41.

I. 41.

II. **Customs Régime between Germany and Austria (Protocol of March 19th, 1931).**

III. 21. V. 31.

IV. I. II. 1184.

V. F. c. XXIII. 1.

VI. Advisory opinion.

VII. *Members, States and Organizations*

(*a*) *to which a communication was addressed under Article 73, No. 1, paragraph 2, of the Rules of Court :*
Union of South Africa, Australia, Austria, Belgium, Canada, China, Great Britain, Cuba, Czechoslovakia, France, Germany, Greece, Italy, New Zealand, Nicaragua, Poland, Portugal, Roumania, Spain, Siam, Yugoslavia ;
Entry approved on May 21st, 1931.

(*b*) *which submitted written statements to the Court :*
Austria, Czechoslovakia, France, Germany, Italy ;

(*c*) *accorded a hearing by the Court :*
Austria, Czechoslovakia, France, Germany, Italy.

VIII.

IX. Request signed by the Secretary-General of the League of Nations.

X. 19. V. 31. (Council's Resolution, 19. V. 31.)

XI. 1. VII. 31 (written statements).

XII.

XIII. 1. VII. 31.

XIV.

XV. 20. VII. 31.

XVI. 22nd (extraordinary) Session.

XVII.

XVIII. Advisory Opinion : 5. IX. 31.

XIX.

XX. Series A./B., Vol. 41.
,, C., ,, 53.
,, E., ,, 8, p. 216.

Fol. No. 42.

I. 42.

II. **Treatment of Polish nationals, etc., in Danzig.**

III. 28. V. 31.

IV. I. II. 1237.

V. F. c. XXIV. 1.

VI. Advisory opinion.

VII. *Members, States and Organizations.*

(*a*) *to which a communication was addressed under Article 73, No. 1, paragraph 2, of the Rules of Court :*
Danzig, Poland ;

(*b*) *which submitted written statements to the Court :*
Danzig, Poland ;

(*c*) *accorded a hearing by the Court :*
Danzig, Poland.

VIII.

IX. Request signed by the Secretary-General of the League of Nations.

X. 23. V. 31. (Council's Resolution, 22. V. 31.)

XI. Time-limit fixed for the filing of the first written statement : 17. IX. 31.
Time-limit for the filing of a second written statement, in case the Court or its President should order or authorize its submission : 15. X. 31.

Entry approved on May 28th, 1931.

XII. Time-limit fixed for the filing of the first written statement : 1. X. 31.
Time-limit for the filing of a second written statement, in case the Court or its President should order or authorize its submission : 29. X. 31.

XIII. 29. X. 31.

XIV. On 14. X. 31, the Court, under Article 28, paragraph 2, of the Rules of Court, gave priority over this case to that bearing the number 44 in the General List.

XV. 7. XII. 31.

XVI. 23rd (extraordinary) Session.

XVII.

XVIII. Advisory Opinion : 4. II. 32.

XIX.

XX. Series A./B., Vol. 44.
,, C., ,, 56.
,, E., ,, 8, p. 232.

Notes.

(1) *In connection with the case, a communication was addressed to the following, drawing their attention to the terms of Article 73, No. 1, paragraph 3, of the Rules of Court :*
The Parties to the Treaty of Versailles of June 28th, 1919.

(2) At the request of the Agent for the Senate of the Free City of Danzig, the Court, on 14. X. 31, authorized that Agent to file a second written statement.

Folio No. 43.

Entry approved on July 13th, 1931.

I. 43.

II. **Eastern Greenland.**

III. 12. VII. 31.

IV. I. II. 1808.

V. E. c. XXI. 1.

VI. Contentious case.

VII. *Applicant :*
Denmark.
Respondent :
Norway.

VIII.

IX. Application of the Danish Government.

X. 11. VII. 31.

XI. 1. XI. 31 (Case).
15. III. 32 (Counter-Case).
1. VII. 32 (Reply).
1. IX. 32 (Rejoinder).

XII. 22. VII. 32 (Reply).
14. X. 32 (Rejoinder).

XIII.

XIV.

XV.

XVI.

XVII.

XVIII.

XIX.

XX.

Notes.

(1) By Order dated 18. VI. 32, the Court, at the instance of the Danish Government, extended the time-limit for the submission of the Reply until 22. VII. 32. At the same time, the time-limit for the submission of the Rejoinder was extended until 23. IX. 32, should the Norwegian Government not submit any request for an extension of this time-limit, and until 14. X. 32, should that Government submit such a request. As a request to this effect was made, the date was automatically fixed for 14. X. 32.

Folio No. 44.

Entry approved on September 29th, 1931.

I. 44.

II. **Access to and anchorage in the port of Danzig for Polish war vessels.**

III. 28. IX. 31.

IV. I. II. 2583.

V. F. c. XXV. 1.

VI. Advisory Opinion.

VII. *Members, States and Organizations*

(*a*) *to which a communication was addressed under Article 73, No. 1, paragraph 2, of the Rules of Court :*
Danzig, Poland ;

(*b*) *which submitted written statements to the Court :*
Danzig, Poland ;

(*c*) *accorded a hearing by the Court :*
Danzig, Poland.

VIII.

IX. Request signed by the Secretary-General of the League of Nations.

X. 25. IX. 31. (Council's Resolution, 19. IX. 31.)

XI. 20. X. 31 (first written statement).
5. XI. 31 (second written statement).

XII.

XIII. 5. XI. 31.

XIV. On 14. X. 31, the Court, under Article 28, paragraph 2, of the Rules of Court, gave priority to this case over that bearing the number 42 in the General List.

XV. 9. XI. 31.

XVI. 23rd (extraordinary) Session.

XVII.

XVIII. Advisory Opinion : 11. XII. 31.

XIX.

XX. Series A./B., Vol. 43.
,, C., ,, 55.
,, E., ,, 8, p. 226.

Notes.

(1) *In connection with the case, a communication was addressed to the following, drawing their attention to the terms of Article 73, No. 1, paragraph 3, of the Rules of Court :*

The Parties to the Treaty of Versailles of June 28th, 1919.

Folio No. 45. Entry approved on September 29th, 1931.

I. 45.

II. **Caphandaris-Molloff Agreement of December 9th, 1927.**

III. 28. IX. 31.

IV. I. II. 2584.

V. F. c. XXVI. 1.

VI. Advisory Opinion.

VII. *Members, States and Organizations*

(*a*) *to which a communication was addressed under Article 73, No. 1, paragraph 2, of the Rules of Court :*
Bulgaria, Greece ;

(*b*) *which submitted written statements to the Court :*
Bulgaria, Greece ;

(*c*) *accorded a hearing by the Court :*
Bulgaria, Greece.

VIII.

IX. Request signed by the Secretary-General of the League of Nations.

X. 26. IX. 31. (Council's Resolution, 19. IX. 31.)

XI. 15. XII. 31 (first written statement).
1. II. 32 (second written statement).

XII. 5. I. 32 (first written statement).
10. II. 32 (second written statement).

XIII. 8. II. 32.

XIV.

XV. 12. II. 32.

XVI. 24th (ordinary) Session.

XVII.
XVIII. Advisory Opinion : 8. III. 32.
XIX.
XX. Series A./B., Vol. 45.
,, C., ,, 57.
,, E., ,, 8, p. 238.

Folio No. 46.

Entry approved on November 19th, 1931.

I. 46.

II. **Territorial waters between Castellorizo and Anatolia.**

III. 18. XI. 31.

IV. I. II. 3153.

V. E. c. XXII. 1.

VI. Contentious case.

VII. Italy, Turkey.

VIII.

IX. Special arbitration agreement.

X. Date of special agreement, 30. V. 29. (The special agreement came into force 3. VIII. 31.)
Date of the document notifying the special agreement, 18. XI. 31.

XI. 1. IV. 32 (Cases).
1. VII. 32 (Counter-Cases).
2. IX. 32 (Replies).

XII. *First prolongation :*
1. VII. 32 (Cases).
1. IX. 32 (Counter-Cases).
1. XII. 32 (Replies).
Second prolongation :
3. I. 33 (Cases).
1. IV. 33 (Counter-Cases).
1. VI. 33 (Replies).

XIII.

XIV.

XV.

XVI.

XVII.

XVIII.

XIX.

XX.

Notes.

(1) Declaration of the Turkish Government accepting the Court's jurisdiction in the case, 18. XI. 31.

Folio No. 47.

Entry approved on April 11th, 1932.

I. 47.

II. **Interpretation of the Statute of Memel (merits).**

III. 11. IV. 32.

IV. I. II. 4386.

V. E. c. XXIII. 1.

VI. Contentious case.

VII. *Applicants :*
Great Britain, France, Italy, Japan.
Respondent :
Lithuania.

VIII.

IX. Application of the British, French, Italian and Japanese Governments.

X. 11. IV. 32.

XI. 2. V. 32 (Cases).
30. V. 32 (Counter-Case).
See note 2.

XIII. 31. V. 32.
See note 2.

XIV.

XV. 8. VI. 32.
See note 2.

XVI. 25th (extraordinary) Session.

XVII. No. 50.

XVIII. Judgment : 11. VIII. 32.

XIX.

XX. Series A./B., Vol. 49.
,, C., ,, .

Notes.

(1) The Counter-Case of the Lithuanian Government was filed on 31. V. 32. The President of the Court decided to accept it, although filed after the expiration of the time-limit fixed.

(2) In regard to points 5 and 6 of the Application :
Time-limit for filing of Counter-Case, 9. VII. 32.
Date of termination of written proceedings, 2. VII. 32.
Date of the beginning of the hearing, 11. VII. 32.

Folio No. 48.

I. 48.

II. **Employment of women during the night.**

III. 12. V. 32.

IV. I. II. 4725.

V. F. a. XXVII. 1.

VI. Advisory Opinion.

VII. *Members, States and Organizations*

(*a*) *to which a communication was addressed under Article* 73, *No.* 1, *paragraph* 2, *of the Rules of Court :*

International Labour Organization, International Organization of Industrial Employers, International Federation of Trades Unions, International Confederation of Christian Trades Unions.

(*b*) *which submitted written statements to the Court :*

Great Britain, International Labour Organization, International Federation of Trades Unions, International Confederation of Christian Trades Unions.

(*c*) *accorded a hearing by the Court :*

VIII.

IX. Request signed by the Secretary-General of the League of Nations.

X. 10. V. 32. (Council's Resolution, 9. V. 32.)

XI. Time-limit fixed for the filing of written statements : 1. VIII. 32.
Time-limit for the filing of second written statements, if in due course admitted : 12. IX. 32.

XII.

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Entry approved on May 12th, 1932.

Notes.

(1) *In connection with the case, a communication was addressed to the following, drawing their attention to the terms of Article 73, No. 1, paragraph 3, of the Rules of Court:*
States which have ratified the Convention of 1919 concerning employment of women during the night.

(2) On 4. VIII. 32, the Court decided to allow the filing of a second written statement.

(3) The written statement of the International Confederation of Christian Trades Unions was filed on 12. VIII. 32. The President of the Court decided to accept it, although filed after the expiration of the time-limit fixed.

Folio No. 49.

I. 49.

II. **Prince of Pless.**

III. 18. V. 32.

IV. I. II. 4777.

V. E. c. XXIV. 1.

VI. Contentious case.

VII. *Applicant:*
Germany.
Respondent:
Poland.

VIII.

IX. Application of the German Government.

X. 18. V. 32.

XI. 15. VII. 32 (Case).
1. IX. 32 (Counter-Case).
1. X. 32 (Reply).
1. XI. 32 (Rejoinder).

Entry approved on May 18th, 1932.

XII. 22. VII. 32 (Case).
7. IX. 32 (Counter-Case).
7. X. 32 (Reply).
7. XI. 32 (Rejoinder).

XIII.

XIV.

XV.

XVI.

XVII.

XVIII.

XIX.

XX.

Notes.

(1) On 25. VII. 32, the Court decided to call upon the Applicant, in accordance with Article 40, paragraph 1, No. 4, of the Rules, to submit, by 8. VIII. 32 at latest, a volume designed to complete the documents in the case. This time-limit was subsequently extended until 31. VIII. 32.

Folio No. 50.

I. 50.

II. **Interpretation of the Statute of Memel (jurisdiction).**

III. 31. V. 32.

IV. I. II. 4927.

V. E. c. XXIII. 7.

VI. Contentious case.

VII. *Applicants :*
Great Britain, France, Italy, Japan.
Respondent :
Lithuania.

VIII.

IX. Preliminary objection raised by the Lithuanian Government (points 5 and 6 of the Application of 11. IV. 32).

Entry approved on May 31st, 1932.

X. 26. V. 32.

XI. 13. VI. 32 (Reply to objection).

XII.

XIII. 10. VI. 32.

XIV.

XV. 14. VI. 32.

XVI. 25th (extraordinary) Session.

XVII. No. 47.

XVIII. Judgment : 24. VI. 32.

XIX.

XX. Series A./B., Vol. 47.
,, C., ,, 59.
,, E., ,, 8, p. 207.

Folio No. 51.

I. 51.

II. **Appeal against two judgments delivered on December 21st, 1931, by the Hungaro-Czechoslovak Mixed Arbitral Tribunal.**

III. 11. VII. 32.

IV. I. II. 5430.

V. E. c. XXV. 1.

VI. Contentious case.

VII. *Applicant :*
Czechoslovakia.
Respondent :
Hungary.

VIII.

IX. Application of the Czechoslovak Government.

Entry approved on July 11th, 1932.

X. Date of document notifying Application : 7. VII. 32.

XI. 9. IX. 32 (Case).
28. X. 32 (Counter-Case).

XII.

XIII.

XIV.

XV.

XVI.

XVII.

XVIII.

XIX.

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Notes.

(1) In an Order made on 18. VIII. 32, the Court

stated that it would subsequently fix, if necessary, the time-limits for the filing of the Reply and Rejoinder.

(2) In accordance with Art. 63 of the Statute and Art. 60 of the Rules, the Parties to the Treaty of Trianon of June 4th, 1920, and to Agreement No. II of Paris of April 28th, 1930, other than the States concerned in the case, were notified of the filing of the Application.

Folio No. 52.

I. 52.

II. **South-Eastern territory of Greenland.**

III. 18. VII. 32.

IV. I. II. 5502.

V. E. c. XXVI. 1.

VI. Contentious case.

VII. *Applicant :*
Norway.
Respondent :
Denmark.

VIII.

IX. Application of the Norwegian Government.

X. 18. VII. 32.

XI. 1. II. 33 (Cases).
15. III. 33 (Counter-Cases).

XII.

XIII.

XIV.

XV.

Entry approved on July 18th, 1932.

XVI.

XVII. No. 53.

XVIII.

XIX.

XX. Series A./B., Vol. 48.

Notes.

(1) In its Application, the Norwegian Government asked for the indication of interim measures of protection. After hearing the Parties on 28. VII. 32, the Court gave its decision on this request by means of an Order dated 3. VIII. 32.

(2) By Order dated 2. VIII. 32, the Court joined the suits concerning South-Eastern Greenland, filed on 18. VII. 32 by the Norwegian Government and by the Danish Government respectively.

(3) By the same Order of 2. VIII. 32, the Court stated that it would subsequently and if necessary fix the time-limits for the filing of any written Replies and Rejoinders.

Folio No. 53.

I. 53.

II. **South-Eastern Greenland.**

III. 18. VII. 32.

IV. I. II. 5503.

V. E. c. XXVII. 1.

VI. Contentious case.

VII. *Applicant :*
Denmark.
Respondent :
Norway.

VIII.

IX. Application of the Danish Government.

X. 18. VII. 32.

XI. 1. II. 33 (Cases).
15. III. 33 (Counter-Cases).

XII.

XIII.

Entry approved on July 18th, 1932.

XIV.

XV.

XVI.

XVII. No. 52.

XVIII.

XIX.

XX. Series A./B., Vol. 48.

Notes.

(1) By Order dated 2. VIII. 32, the Court joined the suits concerning South-Eastern Greenland, filed on 18. VII. 32 by the Danish Government and by the Norwegian Government respectively.

(2) In the same Order of 2. VIII. 32, the Court stated that it would subsequently and if necessary fix the time-limits for the filing of any written Replies and Rejoinders.

Folio No. 54.

I. 54.

II. **Appeal against a judgment delivered on April 13th, 1932, by the Hungaro-Czechoslovak Mixed Arbitral Tribunal.**

III. 25. VII. 32.

IV. I. II. 5595.

V. E. c. XXVIII. 1.

VI. Contentious case.

VII. *Applicant :*
Czechoslovakia.
Respondent :
Hungary.

VIII.

IX. Application of Czechoslovak Government.

X. 20. VII. 32.

XI. 9. IX. 32 (Case).
28. X. 32 (Counter-Case).

XII.

XIII.

Entry approved on July 25th, 1932.

XIV.

XV.

XVI.

XVII.

XVIII.

XIX.

XX.

Notes.

(1) In an Order made on 28. VII. 32, the Court stated that it would subsequently fix, if necessary, the time-limits for the filing of the Reply and Rejoinder.

(2) In accordance with Art. 63 of the Statute and Art. 60 of the Rules, the Parties to the Treaty of Trianon of June 4th, 1920, and to Agreement No. II of Paris of April 28th, 1930, other than the States concerned in the case, were notified of the filing of the Application.

CHAPTER IV.

JUDGMENTS AND ORDERS.

JUDGMENT OF JUNE 7th, 1932 [1].

CASE OF THE FREE ZONES OF UPPER SAVOY AND THE DISTRICT OF GEX.

History of the question.

Article 435 of the Treaty of Versailles is worded as follows:

"The High Contracting Parties, while they recognize the guarantees stipulated by the treaties of 1815, and especially by the Act of November 20th, 1815, in favour of Switzerland, the said guarantees constituting international obligations for the maintenance of peace, declare nevertheless that the provisions of these treaties, conventions, declarations and other supplementary acts concerning the neutralized zone of Savoy, as laid down in paragraph 1 of Article 92 of the Final Act of the Congress of Vienna and in paragraph 2 of Article 3 of the Treaty of Paris of November 20th, 1815, are no longer consistent with present conditions. For this reason the High Contracting Parties take note of the agreement reached between the French Government and the Swiss Government for the abrogation of the stipulations relating to this zone which are and remain abrogated.

The High Contracting Parties also agree that the stipulations of the treaties of 1815 and of the other supplementary acts concerning the free zones of Upper Savoy and the Gex District are no longer consistent with present conditions, and that it is for France and Switzerland to come to an agreement together with a view to settling between themselves the status of these territories under such conditions as shall be considered suitable by both countries."

Two annexes are attached to this Article. The first contains a note by the Federal Council dated May 5th, 1919, informing the French Government that after examining the terms of Article 435, it has "happily reached the conclusion that it was possible to acquiesce in it under the following

[1] For summary of the judgment, see pp. 174-175.

conditions and reservations" as regards the free zone of Upper Savoy and the District of Gex:

> "(*a*) The Federal Council makes the most express reservations to the interpretation to be given to the statement mentioned in the last paragraph of the above article for insertion in the Treaty of Peace, which provides that 'the stipulations of the treaties of 1815 and other supplementary acts concerning the free zones of Haute-Savoie and the Gex District are no longer consistent with present conditions'. The Federal Council would not wish that its acceptance of the above wording should lead to the conclusion that it would agree to the suppression of a system intended to give neighbouring territory the benefit of a special régime which is appropriate to the geographical and economical situation and which has been well tested.
>
> In the opinion of the Federal Council, the question is not the modification of the customs system of the zones as set up by the treaties mentioned above, but only the regulation in a manner more appropriate to the economic conditions of the present day of the terms of the exchange of goods between the regions in question. The Federal Council has been led to make the preceding observations by the perusal of the draft convention concerning the future constitution of the zones which was annexed to the note of April 26th from the French Government. While making the above reservations, the Federal Council declares its readiness to examine in the most friendly spirit any proposals which the French Government may deem it convenient to make on the subject.
>
> (*b*) It is conceded that the stipulations of the treaties of 1815 and other supplementary acts relative to the free zones will remain in force until a new arrangement is come to between France and Switzerland to regulate matters in this territory."

The second annex contains a note by the French Government, recording the Swiss Government's accession, and adding in regard to the Swiss reservations that:

> "Concerning the observations relating to the free zones of Haute-Savoie and the Gex District, the French Government have the honour to observe that the provisions of the last paragraph of Article 435 are so clear that their purport cannot be misapprehended, especially where it implies that no other Power but France and Switzerland will in future be interested in that question.
>
> The French Government, on their part, are anxious to protect the interests of the French territories concerned, and, with that object, having their special situation in view, they bear in mind the desirability of assuring them a suitable customs régime, and determining, in a manner better suited to present conditions, the methods of exchanges between these

territories and the adjacent Swiss territories, while taking into account the reciprocal interests of both regions.

It is understood that this must in no way prejudice the right of France to adjust her customs line in this region in conformity with her political frontier, as is done on the other portions of her territorial boundaries, and as was done by Switzerland long ago on her own boundaries in this region."

This exchange of notes was followed by negotiations between the two Governments, with a view to determining the future régime of the free zones; these negotiations finally resulted, on August 7th, 1921, in a convention based on the abolition of the free zones in return for compensations. This convention was approved by both Parliaments, but a referendum which was taken on it in Switzerland gave an adverse result, and the French Government was informed on March 19th, 1923, that the Federal Government was unable to ratify the convention.

However, a French law providing for the abolition of the free zones had been adopted on February 16th, 1923; its first Article laid down that:

"Along the entire frontier, between France and Switzerland, the national customs line shall be established at the limit of the territory of the Republic.

Consequently, and subject to the provisions of the articles hereafter, the so-called 'free zones' regions shall, in all respects and especially in respect of indirect taxes, henceforth be placed under the same régime as the whole of French territory."

On October 10th, 1923, the French Government informed the Federal Government that this law would come into effect on November 10th of that year. The latter Government replied, protesting against this step and proposing recourse to arbitration. Eventually, a Special Arbitration Agreement was signed at Paris on October 30th, 1924; it came into force on March 21st, 1928, and was filed with the Registry of the Court under cover of letters from the French and Swiss Ministers at The Hague dated March 29th, 1928. Articles 1, 2 and 4 of this Special Agreement provide as follows:

The Special Agreement.

"*Article* 1.—It shall rest with the Permanent Court of International Justice 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 Conference 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 High Contracting Parties agree that the Court, as soon as it has concluded its deliberation on this question, and before pronouncing any decision, shall accord to the two Parties a reasonable time to settle between themselves the new régime to be applied in those districts, under such conditions as they may consider expedient, as provided in Article 435, paragraph 2, of the said Treaty. This time may be extended at the request of the two Parties.

Article 2.—Failing the conclusion and ratification of a convention between the two Parties within the time specified, the Court shall, by means of a single judgment rendered in accordance with Article 58 of the Court's Statute, pronounce its decision in regard to the question formulated in Article 1 and settle for a period to be fixed by it and having regard to present conditions, all the questions involved by the execution of paragraph 2 of Article 435 of the Treaty of Versailles.

Should the judgment contemplate the import of goods free or at reduced rates through the Federal Customs barrier or through the French Customs barrier, regulations of such importation shall only be made with the consent of the two Parties.

Article 4.—Should the Court, in accordance with Article 2, be called upon itself to settle all the questions involved by the execution of Article 435, paragraph 2, of the Treaty of Versailles, it shall grant the Parties reasonable times for the production of all documents, proposals and observations which they may see fit to submit to the Court for the purposes of this settlement and in reply to those submitted by the other Party.

Furthermore, in order to facilitate this settlement, the Court may be requested by either Party to delegate one or three of its members for the purposes of conducting investigations on the spot and of hearing the evidence of any interested persons."

First phase of the proceedings.

The Special Agreement was communicated on or before April 5th, 1928, to all concerned, as provided in Article 40 of the Statute and in Article 36 of the Rules of Court; similarly, it was communicated to all States, members of the League of Nations, and to all other States entitled to appear before the Court.

On the other hand, States parties to the Treaty of Versailles were not specially notified under Article 63 of the Statute, which was considered as inapplicable in this case;

but their attention was drawn to the right which they no doubt possessed to inform the Court, should they wish to intervene in accordance with the said Article, in which case it would rest with the Court to decide.

The Parties duly filed their Cases, Counter-Cases and Replies within the periods laid down for this purpose, and the Court held public sittings on July 9th, 10th, 11th, 12th, 13th, 15th, 16th, 18th, 19th, 22nd and 23rd, 1929, to hear arguments, a reply and a rejoinder submitted on behalf of the respective Governments.

The Order of August 19th, 1929.

On August 19th, 1929, in order to conform to paragraph 2 of Article 1 of the Special Agreement, the Court made an Order [1] in which it allowed the Governments of the French Republic and the Swiss Confederation a period, expiring on May 1st, 1930, to settle between themselves the "new régime" to be applied in the territories referred to in Article 435, paragraph 2, of the Treaty of Versailles, under such conditions as they might consider expedient.

In the recitals of the said Order, the Court gave the Parties "any indications which might appear desirable as the result of the deliberation upon the question formulated in Article 1, paragraph 1", of the Special Agreement, that is, the question "whether, as between France and Switzerland, 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 1815, 1816, and 1829, "regarding the customs and economic régime of the free zones of Upper Savoy and the District of Gex".

Second phase of the proceedings.

As the two Governments had not succeeded in reaching an agreement within the time laid down, the President, in pursuance of Article 4 of the Special Agreement, granted them a period "for the production by the Parties of all documents, proposals and observations which they might see fit to submit to the Court for the purposes of the settlement by it of all the questions involved by the execution of paragraph 2 of Article 435 of the Treaty of Versailles", and also a further period "to enable each Party to reply in writing to the documents, proposals and observations submitted by the other Party".

[1] For summary of this Order, see Sixth Annual Report, pp. 201-212.

The written procedure having been concluded, the President fixed October 23rd, 1930, as the date for the opening of a new series of public hearings. At the same time he caused the Parties to be notified that, not having been able to secure the attendance at The Hague for these hearings of at least nine of the judges who had taken part in the examination of the zones' case in 1929, he had been compelled to reconstitute the Court in accordance with the principles of Article 25 of the Statute.

Accordingly, since the Parties did not avail themselves of their right, in view of the reconstitution of the Court, to demand to re-argue the whole case, the Court heard the observations presented on behalf of the French and Swiss Governments, on October 23rd, 24th, 25th, 27th, 28th, 29th and 31st, and November 1st, 3rd and 4th, 1930. Finally, on November 24th, 1930, at its own request, it heard the observations of the representatives of the Parties concerning the interpretation of Article 2, paragraph 2, of the Special Agreement.

Order of December 6th, 1930.

On December 6th, 1930, the Court made a new Order [1], whereby it accorded to the two Governments a period expiring on July 31st, 1931, to settle between themselves the matter of importations free of duty or at reduced rates across the Federal Customs line and also any other point concerning the régime of the territories in question, and further declared that at the expiration of the period granted or of any prolongation thereof, it would deliver judgment at the request of either Party.

Third phase of the proceedings.

On July 29th, 1931, the Swiss Government informed the Court that the negotiations thus contemplated had proved fruitless, and that accordingly it was for the Court to deliver its judgment. The French Government also announced that the negotiations had been broken off without any result. In these circumstances, the President fixed a period in which the Parties could submit further written observations. Subsequently, on April 19th, 20th, 21st, 22nd, 23rd, 26th, 27th, 28th and 29th, 1932, the Court heard arguments, a reply and a rejoinder by the Agents of the Parties, and their answers to certain questions put to them.

[1] For summary of this Order, see Seventh Annual Report, pp. 233-240.

Composition of the Court.

By decisions taken on November 22nd and December 4th, 1930, the Court, after deliberation, had recognized that the Court as then constituted must continue to deal with the case of the free zones, and had ruled that the judge who was then acting as President must continue to function for the purposes of the said case.

However, one of the judges who had sat on the Court had died; the Court was therefore composed as under: MM. ANZILOTTI, *acting as President;* LODER, ALTAMIRA, ODA, HUBER, Sir CECIL HURST, MM. KELLOGG, YOVANOVITCH, BEICHMANN, NEGULESCO, *Judges;* M. EUGÈNE DREYFUS, *Judge* ad hoc.

* * *

Judgment of the Court (analysis).

The Court's judgment was delivered on June 7th, 1932.

First, by reference to the instruments which created them, the Court gives a legal definition of the free zones to which the case relates, namely the Gex zone, the "little" Sardinian zone, the Saint-Gingolph zone, and the "Lake" zone. In addition to the Treaties of Peace of Paris of May 30th, 1814, and the Final Act of the Vienna Congress of June 9th, 1815, these instruments included certain declarations made on March 20th and 29th, 1815, and on November 3rd and 20th, 1815, by the Powers assembled at Vienna, and the "Acts of Accession" of the Swiss Diet dated May 27th and August 12th, 1815, as also the Treaty of Paris dated November 20th, 1815, and the Treaty of Turin dated March 16th, 1816.

Continuing, the Court recounts the various changes which the customs régime has undergone in the districts in question, particularly on the occasion of the consolidation of the Swiss customs in 1849—since which year the trade between the zones and the adjacent Swiss territories has been regulated by treaty—and also during the war 1914-1918; finally, it goes on to relate the origin of Article 435 of the Treaty of Versailles and of the Special Arbitration Agreement of October 30th, 1924, in virtue of which the case was submitted to it.

Proceeding next to examine the merits of the case, the Court dwells on the following considerations:

The question which the Court must first pass upon is "whether", according to Article 1, paragraph 1, of the Special Agreement, "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 1815-1816, on which the régime of the free zones is based. The expression "as between France and Switzerland" has the effect of limiting the function of the Court to that of determining the reciprocal rights and obligations arising, in connection with the régime of the free zones, for these two countries, under Article 435, paragraph 2, of the Treaty of Versailles, with its Annexes, apart from the legal relations created as between the signatories of the said Treaty resulting from this Article.

This has not been disputed between the Parties. On the other hand, the latter are unable to agree as to the exact meaning and import of the question referred to the Court. The French Government contends that Article 1 of the Special Agreement, in asking the Court to say whether 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 concerning the free zones, put forward two propositions, between which the Court must make its choice. The Swiss Government contests this view, and maintains that the Court's duty, under the terms of the said question, is to reply in the negative to both propositions, if it finds this result necessary for a correct interpretation of Article 435, paragraph 2, of the Treaty of Versailles, with its Annexes.

The Court finds that the expression "is intended to lead to the abrogation" means "is intended necessarily to lead to the abrogation", since otherwise its reply would fail to remove the whole of the divergence between the two countries; accordingly, the Court accepts the Swiss argument. For, as it observes, it could not lightly be admitted that the Court, whose function it is to declare the law, should be called upon to choose between two or more constructions determined beforehand by the Parties, none of which corresponds to the opinion at which it may arrive. Unless otherwise expressly provided, it must be presumed that the Court

enjoys the freedom which normally appertains to it, and that it is able, if such is its opinion, not only to accept one or other of the two propositions, but also to reject them both.

As regards the question whether Article 435, with its Annexes, has abrogated the free zones, the Court points out that the only conclusion which is drawn in the actual text of Article 435, paragraph 2, of the Treaty of Versailles, from the statement that the former provisions are not consistent with present conditions, is that France and Switzerland are to settle between themselves the status of the free zones—a conclusion which is tantamount to a declaration of disinterestedness in regard to their status on the part of the High Contracting Parties other than France. In particular, this text does not draw the conclusion that the abrogation of the old stipulations relating to the free zones is a necessary consequence of this inconsistency. Moreover, it is scarcely possible, in view of the context, to regard the expression "are no longer consistent with present conditions" as *ipso facto* involving the abrogation of the free zones.

Finally, and in any case, Article 435 of the Treaty of Versailles cannot be adduced against Switzerland, who is not a Party to that Treaty, except to the extent to which she accepted it. That extent is determined by the note of the Federal Council of May 5th, 1919, an extract from which, already quoted above, constitutes Annex I of Article 435. In that note the Federal Government makes explicit reservations which exclude the acquiescence of Switzerland in the abolition of the free zones. As regards the French note of May 18th, 1919, which constitutes Annex II of Article 435 of the Treaty of Versailles, that note cannot, in any circumstances, affect the conditions of the Federal Council's acquiescence in the Article in question, that acquiescence being a unilateral act on the part of Switzerland.

The Court, therefore, reaches the conclusion that Article 435, paragraph 2, of the Treaty of Versailles, with its Annexes, has not abrogated the régime of the free zones as between France and Switzerland.

Again, the Court finds that this Article was not intended to lead to the abrogation of the free zones, i.e. to create an

obligation to proceed to their abrogation. Such an obligation would only be conceivable under one of two suppositions, viz.: that by acquiescing in Article 435, Switzerland had bound herself to negotiate an agreement involving the abrogation of the zones; or else that Switzerland's consent to such abrogation was not necessary, because she had no actual right to the free zones. As regards the first of these suppositions, even assuming that Article 435, paragraph 2, were interpreted as a mandate, involving an obligation, for France and Switzerland, to proceed to abrogate provisions acknowledged to be no longer consistent with present conditions, this mandate could not be adduced against Switzerland, which has not accepted it, but has explicitly rejected the idea of "a modification of the customs system of the zones, as set up by the treaties mentioned above".

As regards the second supposition, the very terms of Article 435, paragraph 2, seem to presuppose the existence of a right on the part of Switzerland, derived from the old stipulations. It is hard to understand why the Powers which signed the Treaty of Versailles, if they considered Switzerland's consent unnecessary, did not declare the free zones abrogated, on their own authority. Furthermore, Switzerland's consent was actually asked, and various proposals were made to her in order to obtain it; finally, the High Contracting Parties inserted the Swiss note of May 5th, 1919, immediately after Article 435, and that note, in the Court's opinion, is, like the successive proposals made by France, entirely based on the existence of a Swiss right to the free zones.

The Court next examines the situation in regard to the different free zones—namely the little Sardinian zone, the Saint-Gingolph zone, and the Gex zone—and concludes that the old stipulations invest Switzerland with a right, of the character of treaty stipulations, in respect of these zones.

The Gex zone, which presents a particularly complex problem, is subjected to a detailed examination, as a result of which the Court finds that the creation of this zone forms part of a territorial arrangement in favour of Switzerland, made as the result of an agreement between that country and the Powers, including France, and that this agreement invests Switzerland with a contractual right in the said zone.

The Court, having reached this conclusion, simply from an examination of the facts, does not need to consider whether the rights in the Gex zone result, in law, from a "stipulation in favour of a third Party".

However, the Court points out, in this connection, that the question of the existence of a right acquired under an instrument drawn between other States is one to be decided in each particular case. For, though it cannot be lightly presumed that stipulations favourable to a third State have been adopted with the object of creating an actual right in its favour, yet there is nothing to prevent the will of sovereign States from having this object and this effect. It must be ascertained whether the States which have stipulated in favour of a third State meant to create for that State a right, which the latter has accepted as such. The Court holds that all the instruments relating to the free zones point to the conclusion that such was, in fact, the intention of the Powers.

After thus answering the question put to it in Article 1 of the Special Agreement—namely whether Article 435 of the Treaty of Versailles, with its Annexes, has abrogated or was intended to lead to the abrogation of the former provisions relating to the free zones—the Court passes on to examine the questions arising from its task under Article 2 of the Special Agreement : namely, to settle all the questions involved by the execution of paragraph 2 of Article 435 of the Treaty of Versailles.

In settling these questions, should the Court be bound by its findings on the first question—i.e. the question contained in Article 1 of the Special Agreement ? The Parties disagree on this issue, France answering it in the affirmative, and Switzerland in the negative. In regard to this point, the Court observes that it is called on to discharge its task in "a single judgment", and that it is hardly conceivable that a single judgment should contain in the first place the interpretation of Article 435, paragraph 2, of the Treaty of Versailles with its Annexes on the point whether, as between France and Switzerland, that Article with its Annexes abrogated or was intended to lead to the abrogation of the stipulations enumerated in Article 1 of the Special Agreement, and should then go on to lay down, in connection with the settlement of the

question involved or the execution of the same Article, provisions which disregard or conflict with the interpretation given by the Court.

Similarly, it seems impossible to suppose that the Parties could have desired to obtain definite indications, before the negotiations referred to in Article 1, paragraph 2, of the Special Agreement, in regard to the points indicated in the first paragraph of that Article, if, in the event of the failure of the negotiations, the Court was free to settle the régime on a basis other than that indicated to the Parties at the close of its deliberation. The whole of the procedure contemplated by Article 1 of the Special Agreement and the interpretative notes annexed thereto would, in fact, cease to have any object if the Court, in making the settlement contemplated by Article 2 of the Special Agreement, could disregard its own interpretation of Article 435 of the Treaty of Versailles.

The Court adds that, while it is certain that the Parties, being free to dispose of their rights, might have embodied, in the negotiations contemplated in Article 1, paragraph 2, of the Special Agreement, and might in any future negotiations embody in their agreement any provisions they might desire—and, accordingly, even abolish the free zones or settle matters lying outside the framework of the régime with which Article 2 of the Special Agreement is concerned—it in no way follows that the Court possesses the same freedom. Such freedom, being incompatible with the Court's proper function, could, in any case, only be enjoyed by the Court if it resulted from a clear and explicit provision; and no such provision is to be found in the Special Agreement.

The Court must, therefore, deal with the questions involved in the execution of paragraph 2 of Article 435 of the Treaty of Versailles upon the footing that it must recognize and give effect to the rights which Switzerland derived from the treaties of 1815 and the other supplementary acts relating to the free zones.

However, towards the end of the proceedings the French Government had advanced some new pleas. Thus, it had argued that, independently of the abrogatory effect of Article 435 of the Treaty of Versailles, the former stipulations establishing the zones had lapsed, owing to the change in

circumstances. The Swiss Government had asked the Court to reject these arguments as inadmissible, on the ground that the time was past at which they could have been submitted. Nevertheless, considering that the decision of an international dispute of the present order should not mainly depend on a point of procedure, the Court thinks it preferable not to entertain the plea of inadmissibility, and to deal on their merits with such of the new French arguments as may fall within its jurisdiction, in so far at least as they raise questions incidental to the main issue.

The French Agent had contended that the stipulations establishing the zones had lapsed because these zones had been created in view of, and because of, the existence of a particular situation, and that this situation had now ceased to exist. In arguing thus, the point on which he chiefly relied was that in 1815 the canton of Geneva was to all intents and purposes a free trade area, that the withdrawal of the French and Sardinian customs lines at that time made the area of Geneva and that of the zones an economic unit, and that the institution of the Swiss Federal Customs in 1849 destroyed this economic unit and put an end to the conditions in consideration of which the zones had been created. In the opinion of the Court, however, this French argument fails from lack of proof that the zones were in fact established in consideration of the existence of circumstances which ceased to exist when the Federal Customs were instituted in 1849.

As the French argument fails on the facts, it becomes unnecessary for the Court to consider any of the questions of principle which arise in connection with the theory of the lapse of treaties by reason of change of circumstances (the *rebus sic stantibus* clause), and, in particular, to consider whether that theory would apply to treaties establishing rights such as that which Switzerland derived from the treaties of 1815 and 1816.

For these reasons the Court cannot accept the French contention that the treaties of 1815 and the other supplementary acts relating to the free zones, if not abrogated by the Treaty of Versailles, have nevertheless now ceased to be in force.

The Court next considers the question whether, and to what extent, it can fulfil that part of its mission which involves settling the régime of the territories in question. Paragraph 2 of Article 2 of the Special Agreement provides that, if the judgment of the Court contemplates the import of goods free or at reduced rates through the Swiss or French customs barrier, the regulation of such importation should only be made with the consent of the two Parties. In the view of the Court, if the consent is to be subsequent to the judgment, such a condition cannot be reconciled with Articles 59 and 60 of the Statute of the Court, which provide that the judgment is binding and final; but a previous consent has only been given by one of the Parties. Again, the regulation of questions connected with tariff exemptions is outside the sphere in which a Court of Justice, concerned with the application of rules of law, can help in the solution of disputes between two States. For these reasons, the Court is of opinion that, as the Parties have failed to come to an agreement on the regulation of these matters, judgment must be limited to questions of law, i.e. to questions not covered by the above-mentioned clause of the Special Agreement.

It has been argued on behalf of the French Government that, if the Court finds itself unable for any reason to carry out the whole of the mission entrusted to it by the Special Agreement, it should declare itself incompetent as to the whole, and give no judgment whatever. The Court points out in this connection that it is the Special Agreement which represents the joint will of the Parties. If the obstacle to fulfilling part of the mission which the Parties intended to entrust to the Court results from the terms of the Special Agreement itself, it results directly from the will of the Parties and, therefore, cannot destroy the basis of the Court's competence to decide on the questions of law.

Another limitation to the Court's jurisdiction—in addition to those imposed by paragraph 2 of Article 2 of the Special Agreement—consists, in the Court's opinion, in the respect which is due to the sovereignty of France over the zones, that sovereignty being entire in so far as it is not restricted by the provisions of the treaties of 1815 and 1816 and the agreements which supplemented them.

*

In view of the foregoing considerations, the Court arrives at the following conclusions regarding the settlement of the régime of the free zones :

The right of Switzerland to the maintenance of the zones is admitted ; France having placed her customs line at her political frontier in 1923, without the consent of Switzerland, must withdraw that line in accordance with the former treaty provisions. On the other hand, France is free to establish a police cordon at her frontier for the control of traffic, and to collect dues and taxes, not in the nature of customs duties, at the said frontier. On this point the Court observes that it follows from the principle that the sovereignty of France is to be respected in so far as it is not limited by her international obligations—in this case, by her obligations under the treaties of 1815 together with the supplementary acts—that no restriction exceeding those which ensue from those instruments can be imposed on France without her consent ; moreover, in case of doubt, a limitation of sovereignty must be construed restrictively ; and while it is certain that France cannot rely on her own legislation to limit the scope of her international obligations, it is equally certain that French fiscal legislation applies in the territory of the free zones as in any other part of French territory.

The Court makes a reservation as regards abuses of a right, for it is certain that France must not evade the obligation to maintain the zones by erecting a customs barrier under the guise of a control cordon. But an abuse cannot be presumed by the Court.

On the other hand, the Court is of opinion that if, by the maintenance in force of the old treaties, Switzerland obtains the economic advantages derived from the free zones, she ought in return to grant compensatory economic advantages to the people of the zones. She had indeed officially declared her readiness to do so, and had stated that she was willing, if France so desired, to have the terms of the exchange of goods between the zones and Switzerland settled by experts, whose decision would be binding on the two States and would not require ratification by Switzerland.

In view of the same considerations, and also because the organization of the customs line in rear of the political frontier is an operation which must necessarily take time, the Court fixes January 1st, 1934, as the date by which the French Government must have withdrawn the customs line so as to re-establish the free zones of 1815 and 1816, which were abolished in 1923.

* * *

Dissenting opinions.

The judgment of the Court was adopted by six votes against five. M. Altamira and Sir Cecil Hurst have subjoined a dissenting opinion on certain points regarding the interpretation of the Special Agreement; and M. Negulesco a dissenting opinion regarding the Court's jurisdiction. M. Yovanovitch confines himself to a statement of his dissent, while M. Eugène Dreyfus has appended to the judgment a dissenting opinion.

JUDGMENT OF JUNE 24th, 1932 [1].

INTERPRETATION OF THE STATUTE OF THE MEMEL TERRITORY.

(PRELIMINARY OBJECTION.)

History of the question.

On April 11th, 1932, the Governments of Great Britain, France, Italy and Japan filed an application with the Registrar of the Court, instituting proceedings against the Government of the Lithuanian Republic in respect of differences of opinion as to whether certain acts of the latter Government were in conformity with the Statute of the Memel Territory annexed to the Convention of May 8th, 1924, concerning Memel. The events which had given rise to the said difference of opinion were the dismissal of M. Böttcher, President of the Directorate of Memel, in consequence of a journey that he had made to Berlin, and also certain steps taken subsequently to his dismissal, in particular the formation of a Directorate not enjoying the confidence of the Diet, and the dissolution of that body.

In their application, the Applicant Powers ask the Court to decide:

"(1) whether the Governor of the Memel Territory has the right to dismiss the President of the Directorate;

(2) in the case of an affirmative decision, whether this right only exists under certain conditions or in certain circumstances, and what those conditions or circumstances are;

(3) if the right to dismiss the President of the Directorate is admitted, whether such dismissal involves the termination of the appointments of the other members of the Directorate;

(4) if the right to dismiss the President of the Directorate only exists under certain conditions or in certain circumstances, whether the dismissal of M. Böttcher, carried out on February 6th, 1932, is in order in the circumstances in which it took place;

(5) whether, in the circumstances in which it took place, the appointment of the Directorate presided over by M. Simaitis is in order;

(6) whether the dissolution of the Diet, carried out by the Governor of the Memel Territory on March 22nd, 1932, when the Directorate presided over by M. Simaitis had not received the confidence of the Diet, is in order".

[1] For summary of the judgment, see p. 175.

Preliminary objection.

On May 31st, 1932, in a document filed at the same time as its Counter-Case on points 1 to 4 of the application, the Lithuanian Government raised a preliminary objection against the Court's jurisdiction in respect of points 5 and 6 of the application.

Statements and hearings.

Within the period laid down, the Applicant Powers submitted a written statement containing their observations and conclusions on the objection made by the Lithuanian Government. In this statement it was submitted that the objection should be disallowed. At public hearings held on June 14th and 15th, 1932, the Court heard oral observations submitted on behalf of the Parties to the case upon the Lithuanian Government's objection.

Composition of the Court.

For the examination of this question, the Court was composed as follows: M. GUERRERO, *Vice-President of the Court, acting as President*[1]; Mr. KELLOGG, Baron ROLIN-JAEQUEMYNS, Count ROSTWOROWSKI, MM. FROMAGEOT, DE BUSTAMANTE, ALTAMIRA, ANZILOTTI, URRUTIA, ADATCI, Sir CECIL HURST, MM. SCHÜCKING, NEGULESCO, Jhr. VAN EYSINGA, M. WANG, *Judges*.

M. RÖMER'IS, appointed as judge *ad hoc* by the Lithuanian Government, also sat on the Court, for the purposes of the case.

* * *

Judgment of the Court (analysis).

The Court's judgment was delivered on June 24th, 1932.

The Lithuanian Government founds its preliminary objection upon Article 17 of the Convention of May 8th, 1924, concerning Memel. This Article is worded as follows:

> "The High Contracting Parties declare that any Member of the Council of the League of Nations shall be entitled to draw the attention of the Council to any infraction of the provisions of the present Convention.
>
> In the event of any difference of opinion in regard to questions of law or of fact concerning these provisions between the Lithuanian Government and any of the Principal Allied Powers members of the Council of the League of Nations, such difference shall be regarded as a dispute of an inter-

[1] For this case, as the President was a national of one of the Parties, he handed over the presidency to the Vice-President, in accordance with Article 13 of the Rules, which was thus applied for the first time (see Chapter VI of the present Report, p. 247).

national character under the terms of Article 14 of the Covenant of the League of Nations. The Lithuanian Government agrees that all disputes of this kind shall, if the other Party so requests, be referred to the Permanent Court of International Justice. There shall be no appeal from the Permanent Court's decision, which shall have the force and value of a decision rendered in virtue of Article 13 of the Covenant."

The Lithuanian Government contends that the two paragraphs of Article 17 relate to two distinct phases of one and the same procedure, and that, accordingly, all disputes, before being referred to the Court, must be submitted to the Council for examination. This condition had not been observed by the Applicant Powers in regard to questions 5 and 6 of their application.

On the other hand, the Applicant Powers consider that a matter may properly be submitted to the Court under paragraph 2 of Article 17, even though it has not been previously brought before the Council of the League, as is the case with the present questions 5 and 6.

The Court points out, in the first place, that the proceedings before the Council, contemplated by paragraph 1 of Article 17, are quite different from the judicial proceedings before the Court to which the second paragraph of Article 17 relates. If proceedings before the Council are to be a condition precedent to proceedings before the Court, the intention of the contracting Parties to stipulate such a condition must be clearly established. But there is nothing in the text of Article 17 to show that such was the intention of the Parties.

The actual text of Article 17 shows that the two procedures relate to different objects, the object of the procedure before the Council being the examination of any "infraction of the provisions of the Convention", whereas the procedure before the Court is concerned with "any difference of opinion in regard to questions of law or fact". Furthermore, there is a distinction between the two procedures with regard to those who may initiate them. While any Member of the Council of the League may bring a matter before the Council, proceedings before the Court may only be initiated by any one of the Principal Allied Powers, member of the Council.

If the principle of the unity of the procedure were to be adopted, it would follow, in the opinion of the Court, that a

case could not be proceeded with before the Court, under paragraph 2 of Article 17, if it had been brought before the Council, under paragraph 1, by a Member of the Council other than one of the Principal Allied Powers which signed the Convention.

After setting aside an argument which the Lithuanian Government had based on the actual wording of Article 17, the Court examines certain arguments which the said Government seeks to derive from the history of the text of that Article. In this connection, the Court points out that, as it has constantly held, the preparatory work cannot be adduced to interpret a text which is, in itself, sufficiently clear. The Court is, moreover, of opinion that the history of Article 17 of the Convention affords nothing which conflicts with the interpretation of the terms of the Article, standing by themselves.

Finally, the Court has been unable to find any support for the Lithuanian contention in the report of the Committee of Jurists appointed by the Council of the League of Nations on September 3rd, 1926, an extract from which report is cited by the Lithuanian Government in support of its plea.

For these reasons, the Court reserves points 5 and 6 of the application of April 11th, 1932, for judgment on the merits.

* * *

Dissenting opinions.

The Court's judgment was adopted by thirteen votes to three. Baron Rolin-Jaequemyns appended a dissenting opinion to the judgment; Count Rostworowski and M. Römer is declared that they were in favour of upholding the Lithuanian objection for the two cases in point (questions 5 and 6 of the application), in so far as these concern infractions of the provisions of the Convention of Paris of May 8th, 1924, and are covered by Article 17, paragraph 1, of that Convention.

NOTE.

The Order of August 3rd, 1932, dismissing the request for the indication of interim measures of protection in the case concerning the legal status of the South-Eastern territory of Greenland, a summary of which is given on page 175 of the present Report, as also the judgment in the case concerning the interpretation of the Statute of Memel (merits), delivered on August 11th, 1932, a summary of which is given on pages 175-176 of the present Report, will be dealt with in the next Annual Report of the Court.

CHAPTER V.

ADVISORY OPINIONS.

EFFECTS OF ADVISORY OPINION No. 17 OF JULY 31st, 1930. QUESTION OF THE GRECO-BULGARIAN COMMUNITIES.

In the Seventh Annual Report, it was mentioned that on September 8th, 1930, the Council of the League of Nations had instructed the Secretary-General to communicate the Court's advisory opinion officially to the President of the Greco-Bulgarian Mixed Emigration Commission.

The following passage regarding the steps taken by the Commission to give effect to the Court's advisory opinion appears in a report (of December 1931) on the work achieved by the Commission signed by the two neutral members of that body, and addressed to the two Parties, signatories of the Convention of Neuilly, and to the Secretary-General of the League of Nations.

"The Permanent Court of International Justice delivered its advisory opinion on the subject (see Series B., No. 17) in July 1930.

The members, delegates of the two Governments, declared that they recognized the soundness of the Permanent Court's opinion; but when it came to drafting a decision enabling the Commission to regulate the application of the principles laid down in the opinion, it was apparent that the delegates of the two Governments held different views as to the purport of its principal passages.

At this period, the other labours of the Mixed Commission were drawing to a close. Plans for the final winding-up of the Commission's work had matured, and the representatives of both Governments showed a desire to bring its labours to an end as quickly as possible.

In these circumstances, the neutral members suggested that the two Parties should leave it to them to find a practical solution of the question of the communities, taking the Court's opinion as a basis, and adopting the same generous methods as had been employed by the Commission in regulating the liquidation of private property. This course was finally adopted by the Commission in a decision dated March 4th, 1931.

In July of the following year, the Commission, in pursuance of the above decision, sanctioned the proposal of the neutral members, to the effect that the pecuniary consequences of liquidating the communities' property should be shown in the form of an entry, in favour of the creditor Government, representing the balance of the values of the properties liquidated.

Finally, on August 19th, 1931, the neutral members presented to the Commission the draft of a general scheme for winding-up the work, together with the positive results of the studies which had been carried on for more than ten months in the light of the Permanent Court's advisory opinion.

The scheme submitted by the neutral members for the definitive settlement of the communities problem was prefaced by certain considerations, which may be epitomized as follows:

The Commission has been actuated throughout its work by the pacificatory aims of the Convention of Neuilly, and has throughout endeavoured to regard its mission in a large and liberal spirit.

The neutral members felt that the same spirit should likewise govern the settlement of a question so complex and important as that of the communities, if the Commission desired to effect a durable work of pacification, and to eliminate from the field of international affairs a delicate problem, fraught with so great possibilities of friction between the two countries.

The neutral members have therefore adopted the principle that, in dealing with the problem of the communities, the Commission should regard the issues as questions of fact, and should take all the circumstances into account. In particular, the Commission should place a wide construction on the term "communities", as used in the Convention, and give consideration to all the existing facts.

Taking this principle as a basis, the neutral members felt that the Commission was justified, having regard to all the facts and circumstances, in placing on record the dissolution of the communities whose liquidation had been applied for, either directly or through the representatives of the two Parties. The bodies affected would be about 67 Greek communities in Bulgaria, and about 300 Bulgarian communities in Greece.

The liquidation of the property of those communities which possessed it, should, in the opinion of the neutral members, be the factor to be taken into account by the Mixed Commission when proceeding to the general settlement which, in principle, it had decided in March 1931 to effect.

Founding itself on the foregoing considerations, the Commission adopted a decision to the effect that the liquidation of properties of communities in the two countries, under the Convention of Neuilly, should appear in the form of an entry of about one million dollars, to the credit of the Greek Government, this amount representing the balance of the values of properties belonging to these communities.

By adopting this solution of a contractual nature, the Mixed Commission has definitively settled a grave and complicated dispute between the two countries."

EFFECTS OF THE ADVISORY OPINION OF MAY 15th, 1931.

ACCESS TO GERMAN MINORITY SCHOOLS IN POLISH UPPER SILESIA.

The Council had decided at its meeting on May 23rd, 1931, to postpone the question forming the subject of the Court's opinion until its next session. The report of the Japanese representative, which had been presented at that meeting, submitted that the Council would no doubt see fit to decide that the sixty children, to whom the appeal related, should forthwith be transferred to the minority school to which their admission had been requested. On September 19th, 1931, during its 65th Session, the Council adopted this report. In the discussion which preceded its adoption, the Polish Minister for Foreign Affairs said that the parents of these children had already been informed that the children could be admitted to the minority school without any further formality.

ADVISORY OPINION OF SEPTEMBER 5th, 1931 [1].

CUSTOMS UNION BETWEEN GERMANY AND AUSTRIA (PROTOCOL OF MARCH 19th, 1931).

History of the question.

Germany and Austria had agreed, in virtue of a Protocol drawn up at Vienna on March 19th, 1931, to conclude a treaty with a view to assimilating the tariff and economic policies of the two countries on the basis of and according to the principles laid down in the said Protocol, with the result that a customs union régime would be established. This Protocol was communicated, in particular, to the British, French and Italian Governments. Doubts immediately arose as to whether the contemplated régime was compatible with Article 88 of the Treaty of Peace of Saint-Germain and with Protocol No. I, signed at Geneva on October 4th, 1922; these instruments, though not absolutely prohibiting Austria from alienating her independence or from taking any action likely to compromise it, obliged her, in brief, to abstain from certain acts, or, in particular cases, to secure the assent of the Council of the League of Nations. No provision for the obtaining of this assent had been made in the Protocol of Vienna.

The British Government brought the matter before the Council. The latter, on May 19th, 1931, adopted a resolution requesting the Court, under Article 14 of the Covenant, to give an advisory opinion upon the following question:

The request for an advisory opinion.

> "Would a régime established between Germany and Austria on the basis and within the limits of the principles laid down by the Protocol of March 19th, 1931, the text of which is annexed to the present request, be compatible with Article 88 of the Treaty of Saint-Germain and with Protocol No. I, signed at Geneva on October 4th, 1922?"

The Court was invited to treat the request as a matter of urgency.

[1] For summary of the opinion, see p. 172.

Communication, statements and hearings.

According to the customary practice, the request for an opinion was communicated to the Members of the League of Nations and to States entitled to appear before the Court. Furthermore, the Registrar, by means of a special and direct communication, informed the governments of States bound by the Treaty of Saint-Germain or by Protocol No. I signed at Geneva, or by the Austro-German Protocol, which States were regarded as likely, in accordance with the terms of Article 73, paragraph 1, sub-paragraph 2, of the Rules, to be able to furnish information on the question submitted to the Court for an advisory opinion, that the Court was prepared to receive from them written statements and, if they so desired, to hear oral arguments made on their behalf.

Within the period fixed by the President, written statements were filed by the German, Austrian, French, Italian and Czechoslovak Governments. In the course of public sittings held on July 20th, 21st, 22nd, 23rd, 24th, 25th, 27th, 28th, 29th, 31st, and August 1st, 2nd, 4th and 5th, 1931, the Court heard the oral arguments of the representatives of the five Governments mentioned above.

Composition of the Court.

For the examination of this case, the Court was composed as follows: MM. ADATCI, *President;* GUERRERO, *Vice-President;* Mr. KELLOGG, Baron ROLIN-JAEQUEMYNS, Count ROSTWOROWSKI, MM. FROMAGEOT, DE BUSTAMANTE, ALTAMIRA, ANZILOTTI, URRUTIA, Sir CECIL HURST, MM. SCHÜCKING, NEGULESCO, Jhr. VAN EYSINGA, WANG, *Judges.*

The Court having been called on to consider the question of the application of Article 31 of the Statute and Article 71 of the Rules of Court in the case, decided, by an Order delivered on July 20th, 1931, that the question submitted to it did, in fact, relate to an existing dispute within the meaning of Article 71, paragraph 2, of the Rules of Court, but that there was no ground in the present case for the appointment of judges *ad hoc*, either by Austria or by Czechoslovakia. This decision was based on the following considerations: Article 31, paragraph 4, of the Statute lays down that when several Parties are in the same interest they are reckoned as one Party only, for the purposes of the application of the said Article. In the Court's opinion, all the governments before the Court who come to the same conclusion must be held to be in the

same interest for the purposes of the advisory procedure. As the arguments advanced by the German and Austrian Governments led to the same conclusion, while the arguments of the French, Italian and Czechoslovak Governments led to an opposite conclusion, the Court held that the Austrian and German Governments, on the one hand, and the French, Italian and Czechoslovak Governments on the other hand, were in the same interest within the meaning of Article 31 of the Statute; and the Court already included, on the Bench, judges of German, French, and Italian nationality.

* * *

Opinion of the Court (analysis).

The Court's opinion was delivered on September 5th, 1931.

It first interprets the request for an opinion in the sense that the question which the Court was called upon to settle was whether, from the point of view of law, Austria could, in the absence of the Council's consent, conclude with Germany the Customs Union contemplated in the Vienna Protocol, without thereby committing an act incompatible with the obligations she had assumed. The Court then proceeds to analyse the texts giving rise to these obligations, namely, Article 88 of the Treaty of Saint-Germain and Protocol No. I of Geneva.

The independence of Austria, according to Article 88 of the Treaty of Saint-Germain, must be understood to mean the continued existence of Austria within her present frontiers as a separate State, with sole right of decision in all matters economic, political, financial or other; it follows that this independence is violated as soon as there is any infringement of it, whether in the economic, political, or any other field—since these different aspects of independence are in practice one and indivisible. By alienation must be understood any voluntary act by the Austrian State which would cause it to lose its independence, or would modify its independence, in the sense that its sovereign will would be subordinated to the will of another Power. Finally, the undertaking given by Austria to abstain from "any act which might directly or indirectly by any means whatever compromise her independence" can only be interpreted to refer to "any act calculated

to endanger" that independence, in so far, of course, as can be reasonably foreseen.

In the Geneva Protocol, Austria undertook certain obligations in the economic sphere. That these obligations fall within the scope of those undertaken by Austria in Article 88 of the Treaty of Saint-Germain is apparent from the express or implied reference made in the Protocol to the terms of that Article. Thus, the undertaking given by Austria not to violate her economic independence by granting any State a special régime or exclusive advantages calculated to threaten that independence is covered by the undertaking already given by Austria in Article 88 to abstain from acts which might compromise her independence. But this in no way prevents these undertakings, which were assumed by Austria in a special and distinct instrument, from possessing a value of their own, and on that account a binding force, complete in itself, and capable of independent application.

The Court next proceeds to analyse the Protocol of Vienna, and observes that the régime it provides for fulfils the conditions of a Customs Union. In the Court's view, what has to be considered is not any particular clause of the Protocol, but the régime, as a whole, which is to be established in pursuance of the Protocol. The establishment of this régime does not in itself constitute an act alienating Austria's independence, and it may be said that, legally, Austria retains the possibility of exercising her independence. Austria's independence is not, strictly speaking, endangered within the meaning of Article 88 of the Treaty of Saint-Germain, and there is not therefore, from the point of view of law, any inconsistency with that Article.

On the other hand, the projected system constitutes a special régime, and it affords Germany, in relation to Austria, "advantages" which are withheld from third Powers. Finally, it is difficult, in the view of the Court, to maintain that this régime is not calculated to threaten the economic independence of Austria, and that it is, consequently, compatible with the undertakings specifically given by Austria in the Protocol of Geneva with regard to her economic independence.

* * *

The Court's opinion was adopted by eight votes against seven.

Of the eight judges forming the majority, seven declared that, in their opinion, the régime contemplated was incompatible not only with the Protocol of Geneva, but also with Article 88 of the Treaty of Saint-Germain, since—as six of the said judges (M. Guerrero, Count Rostworowski, MM. Fromageot, Altamira, Urrutia and Negulesco) stated in a joint declaration which they signed—it would be calculated to threaten the independence of Austria in the economic sphere, and would thus be capable of endangering the independence of that country. M. Anzilotti, while concurring in the operative portion of the opinion, declared that he was unable to agree in regard to the grounds on which it is based, and drew up an individual opinion.

Dissenting opinions.

The seven judges in the minority (MM. Adatci and Kellogg, Baron Rolin-Jaequemyns, Sir Cecil Hurst, MM. Schücking, van Eysinga and Wang) appended a joint dissenting opinion to the opinion of the Court.

* * *

Effects of the advisory opinion.

On September 3rd, 1931, at a meeting of the Commission of Enquiry for a European Union, the representatives of Germany and Austria had announced their intention of not pursuing the project for a Customs Union. In these circumstances, the Council passed a resolution on September 7th, 1931, taking note of the Court's opinion, and declaring that there could no longer be any occasion for it to proceed further with its consideration of this item of its agenda. At the same time it expressed its thanks to the Court.

ADVISORY OPINION OF OCTOBER 15th, 1931[1].

RAILWAY TRAFFIC BETWEEN LITHUANIA AND POLAND
(RAILWAY SECTOR LANDWARÓW-KAISIADORYS).

History of the question.

The railway sector Landwarów-Kaisiadorys is a part of the line running from Vilna towards Libau, via Kovno. According to the information supplied to the Court, this portion of the line was destroyed during the war 1914-1918, at a period when the Lithuanian, Polish and Latvian States had not yet come into being, and when all three towns were in Russia. With various alternations, due to the vicissitudes of the military operations, this situation persisted after the above-mentioned States had been created, and continued subsequently during the hostilities between Russia and Poland. During this period, the line seems to have been temporarily restored at times for the purposes of local traffic; later on again, these repairs were destroyed after the occupation of Vilna on October 9th, 1920, by the Polish General Zeligowski. Since that time, i.e. for more than ten years, there has been no change in the situation.

On October 15th, 1927, Lithuania, acting under Article 11 of the Covenant, brought a new dispute between the two Governments regarding events in the Vilna Territory before the Council of the League of Nations, which had already on several occasions had to consider the relations between Lithuania and Poland. On December 10th, 1927, the Council adopted a resolution, with the concurrence of the Parties concerned.

As a result of this resolution, negotiations took place between the two Governments at Königsberg in the spring and autumn of 1928; these negotiations related *inter alia* to railway communications, but in regard to that particular point they proved fruitless.

On December 14th, 1928, the Council decided to refer to the Advisory and Technical Committee for Communications and Transit the question of the obstacles which, according to the documents before the Council, were in the way of

[1] For summary of the opinion, see pp. 172-173.

freedom of communications and transit between Lithuania and Poland.

Accordingly, on September 4th, 1930, the Committee submitted to the Council a report recommending, amongst other things, measures for the re-establishment on the railway between Vilna and Kovno, via Landwarów-Kaisiadorys, of a through service satisfying the requirements of international transit. This report failed—though for different reasons—to obtain the acceptance of the two Governments, a fact of which the Council was informed at its meeting on January 23rd, 1931.

On the following day, the Council passed a resolution requesting the Court to give an advisory opinion on the following question :

The request for an advisory opinion.

> "Do the international engagements in force oblige Lithuania in the present circumstances, and if so in what manner, to take the necessary measures to open for traffic or for certain categories of traffic the Landwarów-Kaisiadorys railway sector ?"

Communication, statements and hearings.

In observance of the customary procedure, the request for an opinion was communicated to the Members of the League of Nations and to States entitled to appear before the Court. Furthermore, the Registrar, by a special and direct communication, informed the Lithuanian and Polish Governments, which were regarded by the Court as likely, in accordance with Article 73, paragraph 1, sub-paragraph 2, of the Rules, to be able to furnish information on the question submitted to the Court for an advisory opinion, that the Court was prepared to receive from them written statements and, if they so desired, to hear oral arguments made on their behalf.

In pursuance of a decision taken by the Court on July 17th, 1931, the Registrar sent the communication provided for in Article 73, paragraph 1, sub-paragraph 2, of the Rules to the Advisory and Technical Committee for Communications and Transit of the League of Nations, through the Secretary-General.

Lastly, the Registrar addressed a communication to all States parties to the Covenant of the League of Nations, or to the Convention of Barcelona of 1921 regarding freedom of

transit, or to the Convention of Paris of 1924 concerning Memel, or to the Germano-Lithuanian Treaty of commerce and navigation of October 30th, 1928, drawing their attention to the rights conferred on them under Article 73, paragraph 1, sub-paragraph 3, of the Rules of Court.

Written statements were filed on behalf of the Lithuanian and Polish Governments and accepted by the Court. The latter held sittings on September 16th, 17th, 18th, 19th, 21st and 22nd, 1931, to hear a statement by the President of the Advisory and Technical Committee for Communications and Transit and the oral arguments submitted on behalf of the two Governments.

Composition of the Court.

For the examination of this case, the Court was composed as follows: M. ADATCI, *President;* Baron ROLIN-JAEQUEMYNS, Count ROSTWOROWSKI, MM. FROMAGEOT, DE BUSTAMANTE, ALTAMIRA, ANZILOTTI, URRUTIA, Sir CECIL HURST, MM. SCHÜCKING, NEGULESCO, WANG, *Judges.*

M. STAŠINSKAS, appointed as a Judge *ad hoc* by the Lithuanian Government, also sat on the Court for the purposes of the case.

* * *

Opinion of the Court (analysis).

The Court's opinion was delivered on October 15th, 1931.

The Court begins by examining the declaration made by the representatives of the Lithuanian Government before the Court that Lithuania, on the ground of her present relations with Poland, does not intend to restore to use the Landwarów-Kaisiadorys railway sector in her territory, and that she was adopting this attitude as a form of pacific reprisals. On this point the Court observes that the argument based on the alleged right of Lithuania to engage in pacific reprisals only arises if the international engagements in force oblige Lithuania to open this sector for traffic.

As regards "international engagements", the question put to the Court, in the opinion of the latter, refers solely to contractual engagements which might create the obligation in question for Lithuania. In this connection, Article 23 (*e*) of the Covenant of the League, certain provisions of the Convention of Paris of May 8th, 1924, concerning Memel, and the

resolution of the Council of the League dated December 10th, 1927, had been brought to the attention of the Court.

The last-named resolution, which had been adopted by the Council with the concurrence of the Lithuanian and Polish representatives, recommended the two Governments to enter into direct negotiations as soon as possible in order to establish such relations between the two neighbouring States as would ensure the good understanding on which peace depends.

According to the Polish submission, the two States, in accepting that recommendation, undertook not only to negotiate but also to come to an agreement, with the result—it was alleged—that Lithuania had incurred an obligation to open the Landwarów-Kaisiadorys railway sector to traffic. But, in the view of the Court, an engagement to negotiate does not imply an obligation to reach an agreement, nor in particular does it imply that Lithuania has assumed an engagement, and is in consequence obliged, to conclude the administrative and technical agreements necessary for the re-establishment of traffic on the railway sector in question.

In regard to Article 23 (*e*) of the Covenant, the Polish Government, founding itself in particular on the opinion of the Advisory and Technical Committee for Communications and Transit, had contended that this Article constituted an international engagement obliging the Lithuanian State to open this line. The Court holds, however, that specific obligations can only arise under the said clause from "international conventions existing or hereafter to be agreed upon" (Art. 23 of the Covenant), for instance from "general conventions to which other Powers may accede at a later date" (Preamble of the Barcelona Convention on freedom of transit). It is therefore impossible for the Court to deduce from the general rule contained in Article 23 (*e*) of the Covenant an obligation for Lithuania to open the Landwarów-Kaisiadorys railway sector to international traffic or to a part of such traffic.

Lastly, as regards the application of the Memel Convention, the Court observes that, by the terms of that instrument, some of the provisions of the Statute of Barcelona have become applicable to Lithuania, although Lithuania is not a Party to that Statute. Thus, Lithuania is bound, under Article 2 of the said Statute, to facilitate "free transit by rail

or waterway on routes in use convenient for international transit". The Court notes however that the very terms of the request for an advisory opinion show that the Landwarów-Kaisiadorys sector of the railway is not in use; furthermore, the said sector can scarcely be described as convenient for international transit to or from Memel, since it only affords communication with Memel by a roundabout route, or by transshipment to barges at Kovno.

The Court further points out that, under the last paragraph of Article 3 of Annex III of the Memel Convention, the Lithuanian Government undertakes to permit and grant all facilities for traffic *on the river* to or from the port of Memel, and not to apply the provisions of Articles 7 and 8 of the Barcelona Statute to such traffic on the ground of the present political relations between Lithuania and Poland. This clause of the Convention applies solely to waterways, and not to railways. Lithuania would therefore be free to avail herself of Article 7 of the Barcelona Statute with regard to railways of importance to the Memel Territory.

Accordingly, even if the Landwarów-Kaisiadorys railway sector were in use and could serve Memel traffic, Lithuania would be entitled to invoke Article 7 of the Barcelona Statute as a ground for refusing to open this sector to traffic, in case of an emergency affecting her security and vital interests; and Lithuania considers that her relations with Poland have brought about such a situation.

Not having been able to find in the engagements invoked any obligation for Lithuania to open the Landwarów-Kaisiadorys railway sector to traffic, the Court reaches the conclusion that, in the present circumstances, the obligation which is alleged to be incumbent upon Lithuania does not exist.

The opinion was adopted unanimously. MM. Altamira and Anzilotti, while concurring in the Court's conclusion, declared themselves unable to agree with some parts of the reasons given in support of it.

* * *

Effects of the opinion.

At the fourth meeting of its Sixty-Sixth Session (Jan. 28th, 1932), the Council took note of the opinion drawn up by the Court.

ADVISORY OPINION OF DECEMBER 11th, 1931[1].

ACCESS TO AND ANCHORAGE IN THE PORT OF DANZIG OF POLISH WAR VESSELS.

History of the question.

By the Treaty of Versailles, Danzig was severed from Germany and constituted as a Free City, the reason being—as stated in the reply of the Principal Allied and Associated Powers to the German delegation dated June 16th, 1919, regarding the conditions of peace—to ensure for Poland free and secure access to the sea. In conformity with Article 104 of that Treaty, a convention—the Convention of Paris of November 9th, 1920—was negotiated by the Conference of Ambassadors between Poland and the Free City. This Convention was intended, as is apparent from the terms of Article 104 of the Treaty of Versailles, to secure for Poland the enjoyment of a series of rights, with the object of safeguarding her position at Danzig. The Polish Delegation had asked for the insertion in the Convention of clauses devoted to military and naval affairs, in particular of a clause giving Poland the right to use the port of Danzig for her warships. This clause was not inserted in the Convention, but the Conference of Ambassadors decided to draw the attention of the Council of the League of Nations to the question of the defence of Danzig. As Article 102 of the Treaty of Versailles had placed Danzig under the protection of the League of Nations, this was a question for the Council to deal with. At its session in November 1920, the Council confined itself to declaring that "the Polish Government appears particularly fitted to be, if circumstances require it, entrusted with the duty of ensuring the defence of the Free City".

In June 1921, the Council, which had received a request from the Polish Government seeking, among other matters, to obtain a *"point d'attache"* in the port of Danzig for its maritime police vessels, again took up the question of the defence of Danzig. On June 22nd, 1921, it adopted a reso-

[1] For summary of the opinion, see p. 173.

lution requesting the High Commissioner to "examine the means of providing in the port of Danzig, without establishing there a naval base, for a *'port d'attache'* for Polish warships". This resolution was also to apply to maritime police vessels. In his report, which was submitted on September 10th, 1921, the High Commissioner concluded that the question was a matter rather for consideration by the League's naval experts. The question was therefore referred to the latter; they submitted a report suggesting the adoption of certain rules to govern the utilization of the port of Danzig by Polish war vessels.

In the meanwhile, on October 8th, 1921, a provisional arrangement had been concluded between the Parties with the aid of the High Commissioner, acting upon instructions from the President of the Council; it provided that Poland was to continue to use the port of Danzig for her warships, subject to certain conditions and without prejudice to the legal issues, until such time as the question of a "port d'attache" should be decided by the Council. In these circumstances the Council decided on January 12th, 1922, to postpone consideration of the question, which on several occasions it subsequently declared to be still open. The provisional arrangement continued in force till September 19th, 1931, when it was replaced by a regulation which had practically the same purport and substance, but was issued by the High Commissioner, pending the final settlement of the question.

From 1925 onwards, the Senate of the Free City had repeatedly expressed the view that the provisional arrangement should be abrogated, as Polish ships could now find in the port of Gdynia the shelter and facilities they needed. Poland did not concur in this view, and on August 2nd, 1927, the Senate applied to the Council to decide the question of the *port d'attache*. It was however subsequently agreed to continue the régime of 1921 in force, and its operation was prolonged from time to time. It was in these circumstances that on September 19th, 1931, the Council adopted a resolution asking the Court to give an advisory opinion under Article 14 of the Covenant, on a question which was stated in the following terms in the request for an opinion:

The request for an advisory opinion.

"Do the Treaty of Peace of Versailles, Part III, Section XI, the Danzig-Polish Treaty concluded at Paris on November 9th, 1920, and the relevant decisions of the Council of the League of Nations and of the High Commissioner, confer upon Poland rights or attributions as regards the access to, or anchorage in, the port and waterways of Danzig of Polish war vessels? If so, what are these rights or attributions?"

Communication, statements and hearings.

According to the customary procedure, the request for an opinion was communicated to the Members of the League of Nations and to States entitled to appear before the Court; furthermore, by a special and direct communication, the Registrar informed the Polish and Danzig Governments, regarded by the Court as likely, in accordance with Article 73, paragraph 1, sub-paragraph 2, of the Rules of Court, to be able to furnish information on the question submitted for an advisory opinion, that the Court was prepared to receive from them written statements, and if they so desired, to hear oral arguments made on their behalf. Lastly, the Registrar addressed to all States, parties to the Treaty of Versailles, a communication drawing their attention to the rights conferred on them by Article 73, paragraph 1, sub-paragraph 3, of the Rules of Court.

Written statements were filed on behalf of the Polish and Danzig Governments within the periods fixed by the President. The Court held public sittings on November 9th, 10th, 11th, 12th, 13th and 14th, 1931, and heard oral arguments presented on behalf of the respective Governments.

Composition of the Court.

For the examination of this case, the Court was composed as follows: MM. ADATCI, *President;* GUERRERO, *Vice-President;* Baron ROLIN-JAEQUEMYNS, Count ROSTWOROWSKI, MM. FROMAGEOT, ALTAMIRA, ANZILOTTI, URRUTIA, Sir CECIL HURST, MM. SCHÜCKING, NEGULESCO, Jhr. VAN EYSINGA, M. WANG, *Judges.*

Dr. BRUNS, who had been appointed Judge *ad hoc* by the Senate of the Free City, also sat on the Bench of the Court for the purposes of this case.

* * *

Opinion of the Court (analysis).

The opinion of the Court was delivered on December 11th, 1931.

The Court first observes that, according to the Polish submissions Polish warships were entitled to go into the port of Danzig and remain there as of right, without obtaining the consent of the authorities of the Free City, and were at liberty, while in the port, to ship such stores and execute such repairs as they might need. What Poland is claiming, in the Court's opinion, is a right peculiar to herself at Danzig, a right which results from the special position she occupies in relation to the Free City; this right, which she claims to derive from the principles underlying the various treaty stipulations now in force, would give her warships a special position, different from that enjoyed by the warships of foreign Powers.

On this point the Court observes that the port of Danzig is not Polish territory, and therefore the rights claimed by Poland would be exercised in derogation of those of the Free City. Such rights, if any, must be established on a clear basis. The Court proceeds to make a study of the provisions adduced in the arguments, namely, the Treaty of Versailles, the Convention of Paris, and the Council's Resolution of June 22nd, 1921, from this point of view.

In the Court's opinion, there is no clause in the Treaty of Versailles which, either expressly or by implication, confers a special right upon Polish warships. In particular, as regards Article 104, paragraph 2, which mentions, as one of the purposes of the treaty to be negotiated, that of "ensuring to Poland without any restriction the free use and service of all waterways, docks, basins, wharves and other works within the territory of the Free City necessary for Polish imports and exports", the Court holds that the natural interpretation of these words is that Poland is only to enjoy the unfettered use of the port and its equipment for commercial purposes.

It is true that, in the Polish submission, the right thus claimed is derived, not from the terms of the Treaty of Versailles, but from the principles underlying the establishment

of the Free City, in accordance with Section XI of Part III of that Treaty. These principles were, it was argued, three in number, namely the necessity for ensuring free access to the sea for Poland, the intimate relations which were to exist between Poland and Danzig, and the necessity for providing for the defence of the Free City. Their combined effect was such, it was contended, that they conferred upon Poland the right of access to and anchorage in the port of Danzig. In this regard the Court is not prepared to adopt the view that the text of the Treaty of Versailles can be enlarged by reading into it stipulations which are alleged to result from the proclaimed intentions of the authors of the Treaty, but for which no provision is made in the text itself.

Proceeding, the Court examines the relevant articles of the Convention of Paris. It considers, in brief, that like the relevant clauses of the Treaty of Versailles, they cannot be considered as conferring any general right of access and anchorage.

Lastly, as regards the Council's Resolution of June 22nd, 1921, this was intended, in the Polish submission, to constitute a definite acceptance in principle of the Polish claim, leaving over for future regulation the details as to how practical effect was to be given to the rights involved. On the contrary, in the opinion of the Court, the resolution is no more than what its terms imply—a direction to the High Commissioner to examine how Poland could be given a "port d'attache" at Danzig for her war vessels without creating a naval base. It constituted the initiation of a study which was interrupted by the conclusion of the Provisional Arrangement of October, 1921; and the result of this interruption is that no final and definitive decision has ever yet been given.

* * *

Dissenting opinions.

The Court's opinion was adopted by eleven votes against three. Count Rostworowski attached a dissenting opinion. M. Fromageot added a declaration, and M. Urrutia contented himself with attaching a statement of his dissent.

* * *

Effects of the opinion.

At the sixth meeting of its Sixty-Sixth Session (Jan. 29th, 1932), the Council adopted the following resolution:

"The Council:

Adopts the advisory opinion given by the Permanent Court of International Justice on December 11th, 1931, on the question of the access to, or anchorage in, the port of Danzig of Polish war vessels;

Requests the Secretary-General to communicate the text of this opinion to the High Commissioner, in reply to the question raised in his special report of August 20th, 1931;

Considers that, in view of the fact that the legal points on which a divergence of views between the Parties had been revealed have now been elucidated by the opinion of the Court, the practical questions raised in the Polish Government's note of January 25th, 1932, should be settled directly between the Parties;

Notes with satisfaction the statements made on this matter by the President of the Senate in his note of January 28th, 1932, and the statements of the Polish representative in his note of that date;

Is gratified to be in a position to note that the question will thus be finally settled."

The practical questions raised by the Polish note of January 25th, 1932, related to the granting of harbour facilities to Polish warships. The President of the Senate had announced that the Danzig Government was prepared to grant certain special facilities, appropriate to the local conditions, for these vessels.

ADVISORY OPINION OF FEBRUARY 4th, 1932[1].

TREATMENT OF POLISH NATIONALS AND OTHER PERSONS OF POLISH ORIGIN OR SPEECH IN DANZIG TERRITORY.

History of the question.

On September 30th, 1930, the diplomatic representative of Poland at Danzig wrote to the High Commissioner of the League of Nations, asking him for a decision, under Article 39 of the Polish-Danzig Convention, concluded at Paris on November 9th, 1920, "in regard to the unfavourable treatment of Polish nationals and other persons of Polish origin or speech in the territory of the Free City of Danzig". At the same time the diplomatic representative submitted a series of conclusions, accompanied by a statement of reasons, relating to the following points: public and private education, recognition of school certificates, freedom to use the Polish language, nationality, paid labour, acquisition of landed property, allotment of dwellings, police registration, liberty of domicile and establishment. In his explanatory memorandum, the Polish diplomatic representative had emphasized that it had become clear that the position of the Polish population at Danzig, as established by Article 104 (5) of the Treaty of Versailles and Article 33 of the Convention of Paris, was imperilled.

This Polish request gave rise to very detailed written proceedings, in the course of which the High Commissioner wrote to the Secretary-General of the League of Nations that "it would serve no useful purpose to examine the numerous concrete points submitted to the High Commissioner for decision in the request of the Polish Government of September 30th before the legal points involved have been settled beyond dispute". Accordingly, with the consent of the Parties, he drew the Council's attention to "the eminent desirability of asking the Permanent Court of International Justice to give an advisory opinion forthwith on the lega points on which the two Governments differ".

[1] For summary of the opinion, see p. 173.

The Council accepted this suggestion, and on May 22nd, 1931, adopted a resolution asking the Court to give an advisory opinion on the two following questions:

The request for an advisory opinion.

"(1) Is the question of the treatment of Polish nationals and other persons of Polish origin or speech in the territory of the Free City of Danzig to be decided solely by reference to Article 104 (5) of the Treaty of Versailles and Article 33, paragraph 1, of the Convention of Paris (and any other treaty provisions in force which may be applicable), or also by reference to the Constitution of the Free City; and is the Polish Government accordingly entitled to submit to the organs of the League of Nations, by the method provided for in Article 103 of the Treaty of Versailles and Article 39 of the Convention of Paris, disputes concerning the application to the above-mentioned persons or the provisions of the Danzig Constitution and other laws of Danzig?

(2) What is the exact interpretation of Article 104 (5) of the Treaty of Versailles and of Article 33, paragraph 1, of the Convention of Paris, and, if the reply to question (1) is in the affirmative, of the relevant provisions of the Constitution of the Free City?"

Communication, statements and hearings.

According to the customary procedure, the request for an advisory opinion was communicated to Members of the League of Nations and to States entitled to appear before the Court. Furthermore, the Registrar, by means of a special and direct communication, informed the Governments of the Polish Republic and of the Free City of Danzig, which were regarded by the Court as likely, in accordance with Article 73, paragraph 1, sub-paragraph 2, of the Rules, to be able to furnish information on the question submitted to the Court for an advisory opinion, that the Court was prepared to receive from them written statements and, if they so desired, to hear oral arguments presented on their behalf. Lastly, the Registrar addressed to all States parties to the Treaty of Versailles a communication drawing their attention to the rights conferred upon them by Article 73, paragraph 1, sub-paragraph 3, of the Rules of Court.

Within the periods fixed by the President, and subsequently extended, memorials were filed on behalf of the Danzig and Polish Governments. In the second of these periods Danzig alone filed a reply.

Composition of the Court.

For the examination of this case, the Court was composed as follows: MM. ADATCI, *President;* GUERRERO, *Vice-President;* Baron ROLIN-JAEQUEMYNS, Count ROSTWOROWSKI, MM. FROMAGEOT, ALTAMIRA, ANZILOTTI, URRUTIA, Sir CECIL HURST, M. SCHÜCKING, Jhr. VAN EYSINGA, M. WANG, *Judges.*

Dr. BRUNS, appointed by the Free City as a Judge *ad hoc*, also sat on the Court for the purposes of the case.

* * *

Opinion of the Court (analysis).

The Court delivered its opinion on February 4th, 1932.

After recapitulating the origin and evolution of the Constitution of Danzig, and of Article 33 of the Convention of Paris, the Court proceeds to examine the first question.

It points out, to begin with, that the two parts of which it is composed are not two separate questions, but constitute a single question, namely, the Polish Government's right to resort to the procedure laid down in Article 103 of the Treaty of Versailles and in Article 39 of the Convention of Paris—that is to say, to the jurisdiction of the High Commissioner of the League of Nations at Danzig—to settle disputes concerning the application of the provisions of the Danzig Constitution and other laws of Danzig to Polish nationals and other persons of Polish origin and speech.

In regard to this point, the Court observes that the Danzig Constitution presents certain peculiarities. Thus, the League of Nations, as guarantor of the Constitution, has the right and the duty of intervening in the event of a wrong application of the Constitution by Danzig. The question put to the Court does not, however, relate to Poland's right to have recourse to the League, in the latter's capacity as guarantor of the Danzig Constitution, but solely to the right of the Polish Government, acting in its own name, to submit to the organs of the League, by the method provided for in Article 103 of the Treaty of Versailles and Article 39 of the Convention of Paris, disputes concerning the application of

the provisions of the Constitution and other Danzig laws to Polish nationals and other persons of Polish origin or speech —in other words, to resort to the compulsory arbitral jurisdiction of those organs. As regards the procedure referred to in the above-mentioned Articles, the Court holds that the Constitution is not one of the instruments for which the compulsory arbitral jurisdiction of the High Commissioner is provided under Article 103 of the Treaty of Versailles. The same remark applies to Article 39 of the Convention of Paris. As the Court observes in this connection, the general principles of international law apply to Danzig, in spite of its special legal status, subject however to the treaty provisions binding upon the Free City; and the peculiar character of the Danzig Constitution only affects the relations between the Free City and the League of Nations.

The Court adds that the application of the Danzig Constitution may, however, result in the violation of an international obligation incumbent on Danzig towards Poland, whether under treaty stipulations or under general international law. Should such a case arise, Poland would be entitled to submit it to the organs of the League under Article 103 of the Treaty of Versailles and Article 39 of the Convention of Paris.

Before entering on an interpretation of Article 104, Section 5, of the Treaty of Versailles, the Court points out that Article 104 contains a mandate conferred on the Principal Allied and Associated Powers to negotiate a treaty between Poland and Danzig, with certain objects which are specified in the Article. The terms of the Resolution of the Conference of Ambassadors, dated May 5th, 1920, admit of the conclusion that, in the opinion of that Conference, the advantages guaranteed to Poland by Article 104 were to be secured to her by the convention to be concluded, and that the guarantee only became effective between Poland and Danzig in virtue of the said convention.

The object of Section 5 of Article 104 is to ensure that there shall be no discrimination to the detriment of Polish nationals and other persons of Polish origin or speech at Danzig. In the opinion of the Court, what this clause forbids is discrimination because of the Polish character of these persons. This prohibition must have the effect of eliminating

discrimination in fact as well as in law. On this point the Court observes that the question whether a measure is, or is not, in fact directed against the persons indicated by the Article must be decided on the merits of each case. The object of the prohibition is to prevent any unfavourable treatment, and not to grant a special régime of privileged treatment. The Court holds that the clause is purely negative, and is confined to a prohibition of all discrimination ; it is for this reason unable to read into it any standard of comparison.

In regard to the binding force of Article 104 (5) of the Treaty of Versailles, and the relation between that clause and Article 33 of the Convention of Paris, the Court observes that what is provided in Article 104 (5) is a rule of law, which has become binding upon the Free City, but only because this clause has been reproduced in the Convention of Paris, and not because it is a provision of the Treaty of Versailles. From the standpoint of the relations between Danzig and Poland, the Convention of Paris is the instrument which is directly binding upon the Free City ; but in case of doubt, recourse may be had to the Treaty of Versailles to elucidate the meaning of the Convention ; and, as an authentic expression of the mandate conferred on the Principal Allied and Associated Powers, and of the objects of the Convention, the Article may be adduced against the Free City.

Proceeding next to interpret Article 33 of the Convention of Paris, the Court, in considering the origin of this provision, observes, to begin with, that in its first form it merely accorded the régime of minority protection, and that the Conference of Ambassadors believed that the application of this régime would fulfil the objects of Article 104 (5) of the Treaty of Versailles. However, Article 33 underwent various modifications, and its second part, in the form finally adopted, repeats the terms of Article 104 (5) of the Treaty of Versailles. The Polish Government holds that Article 33 now accords national treatment to Polish nationals and other persons of Polish origin or speech, whereas the Danzig Government considers that the Article still contains nothing more than an undertaking to apply the minority régime to such persons.

The Court does not adopt either of these views. In its opinion, the Article should be considered as containing two undertakings of Danzig: one to apply to minorities, in her territory, provisions similar to those applied by Poland in Polish territory; and the other, to provide against discrimination to the detriment of persons of Polish origin, nationality, or speech, on the ground of their Polish character.

This second engagement may be considered as a further guarantee that the Free City—whether applying to the minorities in her territory provisions similar to those applied to minorities in Poland, or granting more extensive rights to these minorities, or to foreigners not belonging to a minority—will allow of no differential treatment to the prejudice of Polish nationals or other persons of Polish origin or speech on account of their Polish character.

* * *

Dissenting opinions.

The Court's opinion was adopted by nine votes to four. Two of the judges belonging to the majority (Baron Rolin-Jaequemyns and Sir Cecil Hurst) stated that they did not concur in the grounds of the Court's opinion. Sir Cecil Hurst drew up a separate statement of the grounds, in which Baron Rolin-Jaequemyns concurred.

The four judges composing the minority (M. Guerrero, Count Rostworowski, MM. Fromageot and Urrutia) appended a dissenting opinion to the opinion of the Court. It is apparent from the terms of this dissenting opinion that the Court was unanimous in regard to the reply to the first question, and only differed upon the second question.

* * *

Effects of the opinion.

At the ninth meeting of its Sixty-Sixth Session (Feb. 6th, 1932), the Council adopted a resolution instructing the Secretary-General to communicate the text of the Court's opinion to the High Commissioner of the League of Nations at Danzig.

ADVISORY OPINION OF MARCH 8th, 1932[1].

INTERPRETATION OF THE GRECO-BULGARIAN AGREEMENT OF DECEMBER 9th, 1927 (CAPHANDARIS-MOLLOFF AGREEMENT).

History of the question.

In a letter dated August 7th, 1931, the Bulgarian Government submitted to the Council a question which had arisen between Bulgaria and Greece on the ground that the latter country, considering that it was "entitled to connect its debt to the Bulgarian refugees with the Bulgarian Government's debt on reparation account", had failed to make payment on July 31st, 1931, of a sum due on that date, in respect of the former of the above-mentioned debts, under Article 4 of the Caphandaris-Molloff Agreement of December 9th, 1927.

In regard to these two debts, the following facts should be borne in mind:

The Bulgarian reparation debt had its origin in Article 121 of the Peace Treaty of Neuilly. By that Article, Bulgaria agreed to pay a sum of $2\frac{1}{4}$ milliard gold francs under the head of reparation; the same Article laid down the way in which this sum had to be paid. Subsequently, both the sum to be paid and the way in which it was to be paid underwent various modifications; they were finally fixed by the Agreement on the payment of Bulgarian reparations concluded at The Hague on January 20th, 1930. This Agreement provided for the payment by Bulgaria of a certain number of annuities, payable in two equal half-yearly instalments on the 30th of September and the 31st of March in each year. On March 5th, 1931, a "Trust Agreement" was entered into between the Governments, creditors of the payments for Bulgarian reparations, and the Bank for International Settlements at Basle. By this agreement, the Bank became the Trustee of the creditor Governments to receive, manage and distribute the reparation annuities payable by Bulgaria after the coming into force of the agreement. This agreement was accepted by Bulgaria.

[1] For summary of the opinion, see p. 173.

The distribution among the creditor Powers of the sum paid by Bulgaria is effected by the Bank for International Settlements. The Greek share is about 75 %.

The Greek Emigration debt had its origin in the Convention between Greece and Bulgaria signed at Neuilly on November 27th, 1919, in pursuance of Article 56 of the Peace Treaty of Neuilly. This Convention was intended to facilitate the reciprocal and voluntary emigration of members of the racial, religious or linguistic minorities in Greece and Bulgaria to the country to which they were ethnically akin. The financial aspects of the system had been settled by a *Règlement*, which was drawn up by the Mixed Commission instituted by the Convention of Neuilly and came into force on March 6th, 1922. This *Règlement* was modified, first by a "Plan of Payments" promulgated by the Commission with the concurrence of the two Governments on December 8th, 1922, and subsequently by an arrangement—the Molloff-Caphandaris Agreement—concluded between these Governments on December 9th, 1927.

Under this system, which was the last in force, the property of emigrants leaving one of the States concerned was liquidated and acquired by that State. The emigrant received payment, partly in cash (as a rule 10 %), and the balance in bonds issued by the State in whose territory he settled. Each Government was to become the creditor of the other for the total amount of the debt it had contracted towards the emigrants coming to settle in its territory. Finally, the State which had the larger claim against the other—in this case, Bulgaria—was to become the creditor of the other for the balance. It is this balance which constitutes the Greek emigration debt.

On June 20th, 1931, President Hoover made his proposal for a moratorium in respect of certain war debts. The first part of this proposal was worded as follows:

> "The American Government proposes the postponement during one year of all payments on inter-governmental debts, reparations, and relief debts, both principal and interest, of course, not including obligations of governments held by private Parties."

The Greek Government considered that, if this proposal was to cover not only German reparations but also what are known as Eastern reparations, it was fair that the moratorium should include the Greek emigration debt, as being an inter-governmental debt. The Bulgarian Government, for its part, considered that the Hoover proposal certainly covered its own reparation debt, but that its claim against Greece on account of emigration, being essentially in the nature of a private debt, was not covered by it. The two Governments had communicated their difference of opinion to the Committee of Experts, which met in London in July-August, 1931, to advise on the steps necessary to give effect to President Hoover's proposal, and the Committee, in the part of its report of August 11th, 1931, dealing with this difference of opinion, stated as follows:

"We do not feel that it is within our competence to decide the difference of opinion set forth above. In this, as in other cases, where doubt has been expressed as to whether debts are inter-governmental in nature, we consider that the matter must be settled by the two Governments concerned.

"We must, however, record our emphatic view that it is desirable that a practical settlement should be reached, and we hope that the Bulgarian and Greek Governments will approach the matter in the most conciliatory spirit possible, so that this end may be achieved."

As from July 15th, 1931, Bulgaria discontinued the monthly provision with the Bank of International Settlements for the half-yearly payment of her reparation instalment falling due at the end of September. Greece, for her part, omitted the payment due on July 31st, 1931, in respect of the half-yearly instalment of the Greek emigration debt.

It was in these circumstances that Bulgaria submitted the matter to the Council, founding her case in particular on Article 8 of the Caphandaris-Molloff Agreement, according to which "any differences as to the interpretation of this Agreement shall be settled by the Council of the League of Nations, which shall decide by a majority vote".

The request for an advisory opinion.

After prolonged proceedings, both written and oral, the Council decided, by a resolution dated September 19th, 1931,

to ask the Court for an advisory opinion on the following points :

> "In the case at issue, is there a dispute between Greece and Bulgaria within the meaning of Article 8 of the Caphandaris-Molloff Agreement concluded at Geneva on December 9th, 1927 ?
>
> If so, what is the nature of the pecuniary obligations arising out of this Agreement ?"

Communication, statements and hearings.

According to the customary procedure, the request for an advisory opinion was communicated to Members of the League of Nations and to States entitled to appear before the Court. Furthermore, the Registrar, by means of a special and direct communication, informed the Bulgarian and Greek Governments, which were regarded by the Court as likely, in accordance with Article 73, paragraph 1, sub-paragraph 2, of the Rules, to be able to furnish information on the questions submitted to the Court for an advisory opinion, that the Court was prepared to receive from them written statements and, if they so desired, to hear oral arguments presented on their behalf. Within the periods fixed, and subsequently extended, by the Court, Memorials and Counter-Memorials were filed on behalf of the Bulgarian and Greek Governments. The Court sat on February 12th and 13th, 1932, to hear oral arguments offered on behalf of the two Governments.

Composition of the Court.

For the examination of this case, the Court was composed as follows : MM. ADATCI, *President ;* GUERRERO, *Vice-President ;* Baron ROLIN-JAEQUEMYNS, Count ROSTWOROWSKI, MM. FROMAGEOT, ALTAMIRA, ANZILOTTI, URRUTIA, Sir CECIL HURST, M. SCHÜCKING, Jhr. VAN EYSINGA, M. WANG, *Judges.*

MM. CALOYANNI and PAPAZOFF, appointed as Judges *ad hoc* by the Greek and Bulgarian Governments respectively, also sat on the Court for the purposes of this case.

* * *

Opinion of the Court (analysis).

The Court's opinion was delivered on March 8th, 1932.

In regard to the first question put to it, the Court's observations may be summarized as follows :

The question which Bulgaria submitted to the Council, namely, whether Greece was entitled to connect (*lier*) the Bulgarian reparation debt and the Greek emigration debt and to set off one against the other, is only another way of raising the question whether Greece is right in contending that, if she were to agree to the Hoover Plan being applied to payments on account of reparations, payments under the Greek emigration debt must also be held in suspense.

In this connection the Court points out that Greece's right to subject her acceptance of the Hoover Plan to a condition has nothing to do with the Caphandaris-Molloff Agreement. To the extent that the Greek Government contends that the debt under the Caphandaris-Molloff Agreement is of the same nature as the Bulgarian reparation debt, the Court observes that, even assuming that it is the Caphandaris-Molloff Agreement which falls to be interpreted, this interpretation would be solely for the purpose of ascertaining whether the Greek debt could come within one or other of the categories covered by the Hoover Plan. The interpretation of this Agreement could therefore come in only as a question incidental or preliminary to another question, itself depending solely on the Hoover Plan.

But the powers of the Council under Article 8 of the Caphandaris-Molloff Agreement are restricted to interpreting that Agreement, and do not extend to the Hoover Plan. The Court, therefore, concludes that, in the case at issue, there is no dispute within the meaning of the said Article.

The Court having replied in the negative to the first question, the second no longer arose.

However, in the course of the written pleadings and also during the oral arguments before the Court, the Agent and Counsel of the two Governments had stated that they desired the Court to give an opinion upon the second question, whether or not the first question was answered in the affirmative. But the Court considered that, in view of Article 14 of the Covenant, it was bound by the terms of the questions as formulated by the Council.

The second question is so worded as to be put to the Court conditionally upon an affirmative answer being given to the first question. To ignore this condition at the request of the

Parties would be in effect to allow the two interested Governments to submit to the Court a question for an advisory opinion. As the wish expressed by the Agent and Counsel of the respective Governments only envisaged an extension of the advisory procedure, there was no need for the Court to consider the point whether it is possible for an understanding between the representatives of the interested Governments, reached in the course of the proceedings, to serve as a kind of "special agreement", initiating contentious proceedings before the Court.

* * *

The advisory opinion was adopted by eight votes against six. The judges in the minority (M. Adatci, Count Rostworowski, MM. Altamira, Schücking, Jhr. van Eysinga and M. Papazoff) were content to state their dissent, without subjoining a dissenting opinion to the advisory opinion of the Court.

* * *

Effects of the opinion.

On May 10th, 1932, at the second meeting of its 67th Session, the Council passed a resolution taking note of the Court's opinion, and expressing its hope that the negotiations entered into with a view to a general settlement of the existing difficulties between the two Governments might lead to a satisfactory result, at an early date. The resolution was accepted by the representatives of Bulgaria and Greece. In this connection, the Bulgarian representative observed that his Government reserved its right to ask the Court, if necessary, to state its views with regard to the substance of the dispute between the two Governments.

ANNEX TO CHAPTERS IV AND V.

Note.

In previous issues of the Annual Report, an analytical index of the judgments and opinions of the Permanent Court of International Justice has been given, as an Annex to Chapters IV and V. As was mentioned in the Seventh Annual Report (p. 267), the judgments, orders and opinions of the Court will henceforward, in accordance with the Court's decision of January 20th, 1931, be collected in annual volumes, which will include an analytical index to these judgments, orders and opinions. This index replaces the analytical index which has hitherto been given in the annual reports. The first index, which is designed to be bound in a single volume, together with the judgments, orders, and opinions delivered by the Court in 1931, appeared at the beginning of the present year.

CHAPTER VI.

FIFTH ADDENDUM TO DIGEST OF DECISIONS TAKEN BY THE COURT IN APPLICATION OF THE STATUTE AND RULES.

(See Third Annual Report, p. 173; Fourth Annual Report, p. 269; Fifth Annual Report, p. 243; Sixth Annual Report, p. 281, and Seventh Annual Report, p. 273.)

This Chapter consists in a fifth addendum to the *Digest of Decisions of the Court*, contained in Chapter VI of the Third Annual Report (Publications of the Court, Series E., No. 3); the same chapter in the Fourth, Fifth, Sixth and Seventh Annual Reports (Vol. Nos. 4, 5, 6 and 7 of the same Series) constitutes the first, second, third and fourth addenda. The fifth addendum, like those preceding it, contains, grouped under the relevant articles of the Statute, (1) new matter, and (2) matter already given in the *Digest* (and in the first four addenda) where it has been found desirable to supplement or amend the statements contained in those volumes.

Furthermore, a complete analytical index embodying the original Digest *of the Third Annual Report and the successive addenda, and consequently superseding the index in the Seventh Annual Report, is appended to the present Chapter.*

SECTION I.—STATUTE.

ARTICLE 13.

Composition of the Court.

In November-December 1930, the Court decided that if the case of the free zones came before it again, it should continue to deal with that case in the same composition (i.e. including judges whose term of office would have expired) so long as the possibility of obtaining a quorum of the members then comprising the Court remained. The duties of President were also to continue to be exercised by the judge who had presided over the Court during the previous phases of the case, and whose term of office as President was to expire on December 31st, 1930 (see Seventh Annual Report, pp. 275-276). In the presence of the conditions necessitating the convocation of the Court constituted as indicated above, the President of the Court for the time being, in virtue of the powers conferred upon him by the Order of December 6th, 1930, fixed, in agreement with the judge above referred to, the time-limits for the written proceedings and summoned the members of the Court who had been present at the deliberation in December 1930, to attend upon a date in October 1931, subsequently fixed as October 14th. He informed the Court as at present constituted of his action, which he requested it to note.

At the beginning of October, it became clear that it would be impossible to assemble for the date fixed a quorum of the judges who had taken part in the 1930 deliberations. In these circumstances, the President invited the Agents of the two Parties to attend at The Hague, in order that he might inform them of the situation in each other's presence and in that of the judge who had presided over the Court in December 1930. At this meeting, the President informed the Agents that he intended to postpone, but without in any way changing their character, the hearings which had been fixed for October 14th, 1931, until the first fortnight in April 1932. There was every reason to believe that a quorum could be secured at that date.

(A suggestion that the number of judges required to complete the Court which had met for the second phase of the case, by calling upon judges who had been in office in 1929 at the beginning of the zones' case, was rejected by the President.)

The "Zones" Court was summoned by the President for April 18th, 1932. At the first private meeting, the President declared the Twenty-Fifth Session of the Court open. After

explaining the position in fact and in law, he handed over the Presidency, in conformity with the Court's decision of December 4th, 1930, to the judge who had presided over the Court in 1930, in so far as concerned deliberations and proceedings connected with the decision of the zones' case. He stated however that, in so far as duties not directly concerning the examination or settlement of the case were concerned, and which, under the Statute and Rules, were within the province of the "President of the Court", he would undertake them even during this session. In the same way he had taken the responsibility—always in agreement with the judge who had presided over the Court in 1930—of summoning the "Zones" Court and of signing the Order of August 6th, 1931.

At the opening of the first hearing, the judge acting as President made a statement describing the circumstances in which the Court was resuming its examination of the case and in which the hearings were about to begin.

The judges of the "Zones" Court who were not amongst the ordinary members of the Court who had remained in office after January 1st, 1932, received the allowances fixed by the Resolution of the Assembly of the League of Nations dated September 25th, 1930, for "deputy and national judges".

As regards the signature of the judgment, see Statute, Article 58, below, pp. 270-271.

ARTICLE 17.

(Cf. Statute, Article 24, below, p. 251.)

ARTICLE 21, PARAGRAPH 1.

(See also above : Statute, Article 13.)

The Presidency.

RULES, ARTICLE 13.

In the Memel case, Article 13 of the Rules was applicable for the first time, the President being a national of one of the States parties to the case. The question whether the President should also be replaced by the Vice-President for the purposes of drawing up and signing the Order fixing the time-limits in this case, was decided in the negative by the President for the following reasons :

(1) the authors of the provision in Article 13 had only had in mind the President's functions when the Court was deliberating ;

(8) if the President were not to take the requisite administrative decisions in a given case, the work of the Court might

be paralyzed, at all events so long as the ordinary members were not bound to reside at the seat of the Court;

(3) with regard to the fixing of time-limits, the last paragraph of Article 33 of the Rules afforded the Parties adequate protection.

The President, however, observed that each case should be dealt with having regard to the circumstances peculiar to it; for it was possible to imagine cases where mere decisions of procedure would entrench upon matters connected with the merits.

For the same reasons, it was the President of the Court who gave a negative reply to a request for an extension of the time-limit fixed for the filing of the Lithuanian Counter-Case; who, under Article 33 of the Rules, accepted this Counter-Case, though filed with the Registry one day late, and who fixed the time-limits for the proceedings consequent upon the raising of a preliminary objection by the respondent Government.

At the first meeting of the Court devoted to this case, the President formally handed over the Presidency to the Vice-President.

The Judgment of June 24th, 1932, overruling the preliminary objection raised by the respondent Party, was signed by the Vice-President, as "Acting President" (see also: Statute, Art. 58, below, p. 271).

ARTICLE 21, PARAGRAPH 2.

Representation of the Court with the League of Nations.

As in previous years, the Court appointed the Registrar (or his substitute) to represent it at the XIIth Session of the Assembly of the League of Nations.

The same decision was taken with regard to the representation of the Court at the XIIIth Session of the Assembly.

Similarly, the Registrar (or his substitute) was appointed to represent the Court for the year 1932 before the Supervisory Commission.

RULES, ARTICLES 24 AND 42.

Relations with the Press.

As at the beginning of the previous session (see Seventh Annual Report, p. 283), the Court decided, on July 16th, 1931, to decline an offer from the Information Section of the Geneva Secretariat to detach an official to take charge of the Press service during the hearings which were to begin on July 20th.

ARTICLE 23.

RULES, ARTICLE 27, No. 1.

Opening of the ordinary session.

In accordance with Article 27 of the Rules (amended in 1931), the Court's ordinary session for 1932 began on February 1st. On that date, the 23rd Session of the Court had not yet terminated.

There being no special reason for summoning a meeting of the Court on February 1st, the beginning of the session was simply announced by means of a communiqué to the Press, in accordance with the precedent created at the ordinary session in 1929 (see Sixth Annual Report, p. 284).

RULES, ARTICLE 27, No. 2.

Interruption in a session of the Court.

On September 5th, 1931, the Court's advisory opinion in the case concerning the customs régime between Austria and Germany was delivered. On that date the Court adjourned the 22nd Session until September 16th, when it was resumed for the hearing of the case concerning railway traffic between Lithuania and Poland, which had been ready for hearing since the beginning of the 22nd Session.

On November 5th, 1931, at the beginning of the 23rd Session, two cases were ready for hearing. In the course of November it became clear that the Court would be able to begin the hearing of the second case at the beginning of December, but that it could not conclude that case before Christmas. Since it was ready for hearing, the case had in any case to be dealt with at the 23rd Session, and a postponement to the ordinary session in 1932 was impossible. The Court accordingly decided to begin the hearing on December 7th and then to adjourn over the Christmas and New Year holidays, and continue with the case early in January.

RULES, ARTICLE 27, No. 3.

Summons of a session of the Court.

The President summoned an extraordinary session of the Court for April 18th, 1932, to take the zones' case ("third phase"). The case was ready for hearing at the beginning of October 1931. But as the hearings had had to be postponed under Article 30 of the Rules and as a quorum could only be assembled for April 1932, the position was, in the opinion of the President, virtually the same as that contemplated by Article 27, paragraph 3, of the Rules.

RULES, ARTICLE 27, No. 5.

Long leave.

In the first long leave roster prepared by the Court in May 1931 (see Seventh Annual Report, p. 285), the name of a judge from overseas and not residing near The Hague was

not included, since he was absent at that date and the Court required to know, before placing his name on the roster, whether he intended to take up his residence in Europe. The judge having stated that such was his intention but that he must first return to his own country to make the necessary arrangements, it was recognized that he was entitled to a long leave during the period 1931-1933.

RULES, ARTICLE 28, paragraph 2.

Priority given to a case.

The case concerning railway traffic between Lithuania and Poland submitted to the Court by a Resolution of the Council of the League of Nations of January 24th, 1931, was to be ready for hearing on July 15th, 1931. At its May session, however, the Council submitted to the Court the case concerning the customs régime between Austria and Germany, requesting the Court to treat it as an urgent case. The latter case was accordingly given priority, whilst the railway traffic case was to remain in the list for the extraordinary session summoned for July and would be taken later in the session.

At the beginning of the 23rd Session of the Court, two cases were to be ready for hearing. The first had been submitted to the Court under a Resolution adopted by the Council of the League of Nations at its session in May 1931; the second under a Resolution adopted at the Council's session in September of that year. The first therefore was entered in the General List before the second and was to be ready for hearing a week earlier. To the second however the "urgency clause" was appended, and the Court accordingly decided, under Article 28, paragraph 2, of the Rules, to give the latter case priority.

RULES, ARTICLE 28, paragraph 4.

Entry of new case in session list.

On May 31st, 1932, the Memel case became ready for hearing. On that date, the 25th Session, summoned for the free zones case, was still in progress. The latter case was taken by the Court constituted as it had been in December 1930, before the new election of the whole Court. Notwithstanding this, the Memel case was, in accordance with precedent, entered in the list for the 25th Session, as provided in Article 28, paragraph 4, of the Rules.

The adoption of this course was based on the principle, recognized by the Court at its 20th Session, that the continuity of a session was not affected by the fact that the composition of the Court for a later portion of it was not the same as at the beginning.

ARTICLE 24.

Incompatibilities.

On the submission of a case to the Court in the course of the 22nd Session, one judge raised the question whether he could sit in it since he had taken part in the drafting of a convention the interpretation of which was at issue in the case. The Court held that the judge in question was not legally precluded from sitting. But this decision was to be regarded as applicable only to the particular case. The opinion was expressed that the Court would have been bound to acquiesce if the judge in question had himself wished to abstain from sitting in the case.

In connection with another case submitted to the Court under a Resolution of the Council of the League of Nations dated January 24th, 1931, the Registrar, having regard to the terms of Articles 17 and 24 of the Statute and of Article 71 of the Rules, requested the Secretary-General to provide him with official information on the following points:

(1) Composition of the Council when it had adopted certain resolutions referred to in the documents annexed to the request for an opinion, in the following respects:

(*a*) the representatives of the various Members of the Council;

(*b*) whether the representative of any government had been present under the terms of Article 4 of the Covenant.

(2) Composition of one of the permanent Committees of the League of Nations and of its permanent or *ad hoc* organs, when the Committee or its organs had dealt with the matter forming the subject of the request for an advisory opinion.

In the event, two members of the Court who had belonged to the Committee on legal questions of the said Committee abstained from sitting in the case in question (see Seventh Annual Report, p. 287).

ARTICLE 25.

Quorum. Absence of a judge.

In the course of the 22nd and 23rd Sessions, it happened on several occasions that members of the Court were prevented by indisposition from attending isolated private meetings of the Court. As however a quorum was always present, the Court held that it might validly proceed with its deliberations, and the judges in question were allowed to continue to sit in the case before the Court after their recovery.

RULES, ARTICLE 30.

Absence of a quorum.

In the case of the free zones (third phase), the hearings originally fixed to begin on October 14th, 1931, had to be postponed until April 1932, in the absence of a quorum (cf. Statute, Art. 13, above, p. 246).

ARTICLE 31.

Procedure for the appointment of judges *ad hoc*.

The practice of the Court in regard to the appointment of judges *ad hoc* had been to draw the attention of the government concerned to its right to appoint a judge *ad hoc*, wherever the existence of this right appeared evident; if it did not appear evident and a government appointed a judge, the Court would give a decision *ex officio*.

In the case concerning the Austro-German customs régime however, the Court, after examining the application of Article 31 of the Statute and Article 71 of the Rules of Court in this case, decided that there was no occasion for it to pronounce upon the question unless officially requested to do so, and instructed the Registrar to communicate this decision to the interested States.

The Agent of the Austrian Government having officially submitted the question to the Court, the latter decided at once to communicate the Austrian Agent's letter to the Agents of the other interested governments, and to inform them that on the day fixed for the opening of the hearings and before any argument on the case, it would hear any observations they might wish to submit and then give its decision on the question brought up by the Austrian Government. The same course was adopted when the Agent for the Czechoslovak Government subsequently submitted the same question to the Court.

It was understood that the question was not incidental to the proceedings in the case, but was a preliminary question.

In view of the change thus introduced into the Court's practice, the Registrar, on the next occasion, addressed to the government of the country which had no judge on the Bench, a letter to the effect that if that government exercised its right to appoint a judge *ad hoc* without awaiting an invitation from the Court to do so, there would be no objection on the part of the Court.

A similar course has been adopted in subsequent cases, i.e. the governments concerned have been informed that they need not await notification from the Registrar before exercising the right mentioned in Article 31 of the Statute (71 of the Rules) if they considered that the right in question applied to them in the particular case.

RULES, ARTICLE 71, paragraph 2.

"Existing dispute". Judges *ad hoc* in advisory cases.

In the course of the 22nd, 23rd and 24th Sessions, the Court dealt with five advisory cases: the Austro-German customs régime, railway traffic between Lithuania and Poland, Polish war vessels in the port of Danzig, Polish nationals at Danzig, and the interpretation of the Caphandaris-Molloff Agreement. In all these cases the opinion for which it was asked concerned—in the view of the Court—a question relating to an existing dispute, within the meaning of Article 71, paragraph 2, of the Rules. Judges *ad hoc* sat in the four last-named cases.

In the case concerning the Caphandaris-Molloff Agreement, one government questioned whether there really was an "existing dispute", since by the first question put by the Council the Court was asked to say whether in the case at issue there was a dispute between Greece and Bulgaria within the meaning of that Agreement. The Court nevertheless decided that Article 71, paragraph 2, of the Rules should be applied and, accordingly, that the appointment of judges *ad hoc* should be accepted, since there was in any case disagreement between the two Governments as to whether there was or was not a dispute between them within the meaning of Article 8 of the Caphandaris-Molloff Agreement.

ARTICLE 31, PARAGRAPH 4.

Parties in in the same interest.

In the case for advisory opinion concerning the customs régime between Germany and Austria, the question of the application of Article 31, paragraph 4, arose. The Court arrived at the conclusion that, for the purposes of this case, all governments which come to the same conclusion in proceedings before the Court must be held to be in the same interest. Seeing that the arguments advanced by the Austrian and German Governments led to the same conclusion, whereas the arguments advanced by the French, Italian and Czechoslovak Governments led to the opposite conclusion, and that the Court, as constituted for the case, included judges of French, German and Italian nationality, the Court, in view of the statements made by the Austrian and Czechoslovak Agents with regard to the appointment of judges *ad hoc* by their respective Governments, decided by its Order of July 20th, 1931, that there was no ground for the appointment of judges *ad hoc* either by Austria or Czechoslovakia.

In the opinion of five dissenting judges, the question referred to the Court related only to Austria's international obligations; Austria therefore was a "Party" to the dispute, whereas Germany was not. They held that the latter's inter-

vention in the proceedings under Article 73 of the Rules could not endow her with the capacity of a Party to the dispute and that, accordingly, the question whether, Germany and Austria being in the same interest, Article 31, paragraph 4, was applicable, did not arise.

Character of the decision.

In discussing the form to be given to the decision regarding the question of the applicability of Article 31 of the Statute, the Court came to the conclusion that the form of an order should be adopted, but without any reference to Article 48 of the Statute, since the decision on this point did not relate to the conduct of the case. (See also Statute, Art. 48, below, pp. 266-267.)

The conclusion which the Court had reached in its Order was made public at the sitting of July 20th, 1931; on the other hand, the text of the Order was published only on September 5th, in the same time as the advisory opinion to which it referred.

ARTICLE 32.

Judges' allowances.

The judges of the "Zones" case who sat at the Court's 25th Session to conclude the zones case (cf. above, pp. 246-247, Statute, Art. 13) but who, since January 1st, 1931, had no longer been members of the Court, received the allowances fixed by the Resolution of the Assembly of the League of Nations dated September 25th, 1930, for "deputy and national judges".

ARTICLE 33.

Approval of budget estimates.

On March 7th, 1932, at the end of the 24th Session, the Court decided, in accordance with precedent, to empower the President to approve the budget estimates for the year 1933. The adoption of this course was necessary, because, under Article 32 of the Instructions for the Registry, the estimates could only be submitted to the Court or to the President, as the case might be, in the last week of March, and because there were special reasons preventing a departure from this rule.

When examining the supplementary budget estimates for 1932, on July 30th, 1931, the Court, in order to draw a distinction between those articles of the budget which were outside the competence of the Registrar and which were regarded as exclusively within the province of the Secretary-General of the League and the remainder of the budget, decided to *approve* these supplementary estimates for 1932 and

to *note* a proposal of the Secretary-General relating to one of the articles referred to above.

ARTICLE 35, PARAGRAPH 2.

Acceptance of the Court's jurisdiction.

On November 18th, 1931, the Turkish Government—Turkey being neither a Member of the League of Nations nor mentioned in the Annex to the Covenant—made a declaration accepting the Court's jurisdiction for the dispute which had arisen between the Turkish Government and the Italian Government in connection with the delimitation of the territorial waters between the island of Castellorizo and the coasts of Anatolia, and which forms the subject of the Special Agreement signed by the delegates of the two Governments on May 30th, 1929.

Under Article III of the Special Agreement, the Turkish Government had undertaken to make the above-mentioned declaration.

ARTICLE 36.

Agreement to confer jurisdiction.

In a case for advisory opinion, in which the request set out two questions, the second only being put in the event of an affirmative reply to the first, the Agent and Counsel of the two governments concerned stated that they were anxious to have the opinion of the Court upon the second question, whether or no the reply to the first was in the affirmative. The Court, its answer to the first question being in the negative, did not feel able to comply with this desire, since it was bound by the terms of the questions as formulated by the Council. By deferring to the wish of the two governments, the Court would in effect have been allowing them to submit a question for advisory opinion, and this would have been contrary to Article 14 of the Covenant.

The Court held that the request only envisaged an extension of the advisory procedure and that therefore there was no need to consider whether an understanding reached in the course of the proceedings could serve as a kind of "special agreement" initiating a contentious proceeding before the Court.

Jurisdiction under a special agreement.

In the case of the free zones, one of the Parties argued that if the Court, for any reason, did not find it possible to carry out the whole of the mission entrusted to it by the special agreement, it should declare itself incompetent as to the whole dispute and deliver no judgment at all. The Court observes in this connection that the special agreement represents the joint will of the Parties. If the obstacle to fulfilling part of the mission which the Parties intended to submit to

the Court results from the terms of the special agreement itself, it results directly from the will of the Parties and cannot therefore destroy the basis of the Court's jurisdiction for the reason that it was counter to the will of the Parties.

Objection to the jurisdiction.

(For procedure in regard to a preliminary objection, see: Rules, Art. 38, below, p. 260.)

RULES, ARTICLE 61.

Agreement between the Parties regarding the settlement of a dispute.

In a case submitted to the Court by special agreement, information reached the Court that the Parties had settled the questions at issue by friendly agreement. In this connection, the attention of the Parties was drawn, by a letter from the Registrar, to the terms of paragraphs 1 and 2 of Article 61 of the Rules, and reference was made to the precedents for the application of this Article—in the case between Belgium and China and that of the factory at Chorzów (indemnities) (see Fifth Annual Report, p. 254, and Sixth Annual Report, p. 288).

ARTICLE 40.

RULES, ARTICLE 35.

Formal conditions to be fulfilled by an application.

In the case concerning the interpretation of the Statute of Memel, the application did not give the name or names of the Agents appointed by the applicant Powers. Since, however, the covering letters recorded the appointment—whether provisional or final—by each of these Powers of its Agent for the case, the application was held to fulfil the formal conditions laid down by the Statute and Rules of Court (Order of April 16th, 1932).

ARTICLE 42.

Absence of an Agent.

In the course of the hearing of a case for advisory opinion, one of the Agents fell ill. He gave notice that he had delegated his powers to an official of the government concerned who accompanied him, and he stated that he agreed to the Court's continuing to hear the statement of the Agent for the other government concerned, notwithstanding his own absence. The Court agreed that it might continue the hearing of this statement.

In the Memel case, one of the Parties appointed an assistant Agent, who in that capacity replaced the Agent in the course of the hearings in the case.

ARTICLE 43, PARAGRAPHS 2 and 3.

RULES, ARTICLE 33, paragraph 1.

Fixing of time-limits for the written proceedings.

In connection with a case submitted for advisory opinion on May 19th, 1931, a conversation took place between the Registrar and the representatives of certain interested governments. This conversation related to the following points:

(1) time-limits for the written proceedings and the intention of the "urgency" clause contained in the Council's resolution;

(2) the States to which the "special and direct communications" (Rules, Art. 73) should be sent;

(3) whether the States to which such communications would be sent intended to submit written statements (and written replies);

(4) the date for the hearing.

The views of the representatives of the governments were to be communicated by the Registrar to the President of the Court, who would thus be in possession of data which would be useful when deciding these points.

In connection with a case for advisory opinion submitted to the Court on May 22nd, 1931, a consultation of the same kind took place. The representatives of the interested governments indicated to the Registrar the wishes of their governments in regard to the time-limits for the written proceedings.

In the case concerning Eastern Greenland, the Court decided to postpone the fixing of the time-limits pending the appointment of the Agents of the two Parties, in order to be able to ascertain the wishes or intentions of the two States concerned; subsequently, the time-limits were fixed in accordance with a proposal made by the two Agents in mutual agreement.

In a case submitted to the Court by special agreement, the Parties had indicated the time-limits for the written proceedings which they desired the Court to fix, but requested the Court to fix the date from which the first time-limit should begin to run. The Court decided to take, not the date of the filing of the special agreement, but the date of the order of Court fixing the time-limits; the latter were so fixed that the case would only be ready for hearing after the summer months of the following year, during which months the Court had decided not to sit save in the event of an urgent case arising.

In a case before the Court for advisory opinion, the order fixing the time-limits had, in addition to fixing a date for the filing of first written statements by each interested government, fixed a date for the filing of second statements if ordered

or authorized by the Court or by the President. The Agent of one of the interested governments having asked permission to submit a second written statement, the Court subsequently decided to grant permission, but not to use the right which it had reserved to order the submission of a second statement by the other government.

RULES, ARTICLE 33, paragraph 2.

Extensions of time in the written proceedings.

Extensions of time in the written proceedings were granted the interested governments in the cases for advisory opinion concerning Polish nationals at Danzig and the interpretation of the Caphandaris-Molloff Agreement. As these extensions were sought by one Party only, the granting of them was made dependent on the consent of the other Party.

In the second case mentioned, an extension of the time for the filing of the first written statement was granted without any mention of the time-limit for the filing of the second statement; accordingly, the latter time-limit would expire on the date previously fixed: a special request for an extension thereof was however subsequently made.

The time allowed for the filing of the Cases in the Castellorizo case was extended by three months at the request of the two Parties, who stated that the questions at issue had been settled by a friendly agreement which, however, was subject to ratification and the ratifications had not yet been exchanged.

Before the expiration of this time-limit, the Court, at the request of the Parties, granted a further extension of six months of the time-limit for the filing of Cases.

In the Greenland case, the applicant Party asked for an extension by six weeks of the time-limit for the filing of its Reply. The Respondent objected on the ground *inter alia* that the times had been fixed on the basis of an agreement between the Parties. The Court decided that, in the interests of a sound administration of justice, the time allowed to the applicant government should be extended and that this extension must also involve a corresponding extension of the time allowed for the submission of the Rejoinder if the respondent government made a request to that effect. Accordingly, the Court, subject to any agreement between the Parties, granted an extension of three weeks for the submission of the Reply. As regards the Rejoinder, the order fixed two dates, one to be applicable if the Respondent made no request for an extension and the other if it did so. The latter government made such a request, whereupon the second date automatically became operative.

Belated filing of documents of the written proceedings.

In the case concerning railway traffic between Lithuania and Poland, one Agent asked for an extension of the time allowed for the filing of the second statement. The President informed him that, for reasons peculiar to the case, he was unfortunately unable to grant this request, but that he would be prepared to suggest to the Court, which was then in session, that it should regard as valid the filing of the document in question even though effected after the expiration of the time-limit fixed, provided that it was filed within eight days of the date of expiration.

The document did not, in point of fact, reach the Registry by the date fixed, namely, July 15th, 1931. The Court, after considering whether it should accept the document, notwithstanding its belated presentation, decided merely to record the fact that the Counter-Memorial had not been filed within the time-limit fixed and to reserve its official decision until the document was in its possession.

On July 20th, after the filing of the document, the Court decided that this proceeding should be considered as valid.

In the case concerning the interpretation of the Statute of Memel, the Lithuanian Counter-Case was filed one day late. The President, applying paragraphs 2 and 3 of Article 33 of the Rules, decided to regard this proceeding as valid. (It should be observed that the President had not seen fit to grant a request for an extension of the time allowed for the filing of this document.)

RULES, ARTICLE 34.

The certification of documents.

In connection with the filing by a government of a document of the written proceedings, the Registrar informed that government's Agent that the certificate of corrections required by Article 34 of the Rules in respect of ten copies must bear the signature either of the Agent or of the official representative at The Hague of the interested government or, finally, of the head of the competent official department or of a person signing on his behalf. (On the documents actually filed, the capacity of the person certifying them as true copies of the original had not been indicated: it was subsequently established that the signature had been affixed in virtue of full powers given by the Agent.)

Filing of additional copies of documents of the written proceedings.

In the case concerning the customs régime between Austria and Germany, the last paragraph of Article 34 of the Rules was applied. The Registrar had forewarned the Agents of the interested governments that this provision might be applied and had suggested to them that two hundred copies of the written statements, over and above the number required by the Rules, should accordingly be printed.

Printing of documents of the written proceedings by the Registry.

To the list of cases in which arrangements have been made regarding the printing by the Registry of documents of the written proceedings (cf. preceding Annual Reports), the following are to be appended:

Contentious or advisory cases.	*Documents printed by the Court.*
Case of the free zones of Upper Savoy and the District of Gex (third phase).	Observations of the Swiss Government.
Access to and anchorage in the port of Danzig for Polish war vessels.	Second Statement of the Senate of the Free City of Danzig.
Interpretation of the Greco-Bulgarian Agreement of December 9th, 1927 (Caphandaris-Molloff Agreement).	Memorial and Observations of the Greek Government. Memorial of the Bulgarian Government.
Legal status of certain parts of Eastern Greenland.	Case of the Danish Government, with annexes. Counter-Case of the Norwegian Government, with annexes.
Interpretation of the Statute of Memel (preliminary objection and merits).	All documents.

RULES, ARTICLE 38.

Preliminary objection; fixing of time-limits.

In the case concerning the interpretation of the Statute of Memel, the respondent government, on May 31st, 1932, together with its Counter-Case, filed a "preliminary objection" submitting that the Court had no jurisdiction in regard to two of the six points upon which the Court was asked by the application to pass. Although the Court was to meet on June 7th, 1932, the President, by an Order dated June 1st, 1932, fixed the time-limits for the proceedings consequent upon this objection. Having regard to the terms of Article 38, paragraph 3, of the Rules ("Upon receipt"—"*Dès réception*"), which are explained by the fact that the procedure envisaged is a summary procedure, the President did not feel that the publication of the Order could be delayed until the Court met.

The last date for the filing of the Reply of the applicant Powers upon the objection was fixed as June 13th. In actual fact, the reply was officially filed on June 10th. It was agreed that the representative of the respondent Party should, at a hearing fixed for June 13th, argue the merits, save in so far as his government had raised objection, and that at the same time he should reply to the observations of the applicant Powers upon the preliminary objection.

RULES, ARTICLE 39.

Documents of the written proceedings.

In the case concerning the interpretation of the Statute of Memel, the applicant Powers had, in their application, waived their right to file a written Reply and had asked the Court only to fix time-limits for the filing of Cases and Counter-Cases. Although the Court had not been notified of any agreement between the Parties proposing, in accordance with Articles 32 and 39 of the Rules, a departure from the provisions of the latter Article, time-limits were only fixed for the filing of Cases and Counter-Cases, because, according to the consistent practice of the Court, the right to present a written reply was an optional one which the Party concerned could renounce if it saw fit, and because the right to present a Rejoinder became redundant if no Reply were presented. (Order of April 16th, 1932.)

RULES, ARTICLE 40.

Documents in support.

On December 7th, 1931, the Court decided that on principle and for the future, the attention of governments interested in cases for advisory opinion should be drawn in good time to the fact that Article 40, paragraph 1, head 4, and paragraph 2, head 5, of the Rules (list of documents in support) was regarded as applicable by analogy in advisory proceedings.

The Registrar, when unofficially drawing the attention of the Agents of the applicant governments to the above-mentioned decision of the Court in the contentious case concerning the interpretation of the Memel Statute, explained that the Court appeared to incline towards an interpretation of Article 40 of the Rules to the effect that there must be a list of documents cited in the case itself, and that the documents enumerated in this list must be annexed to the Case. Accordingly, he requested the Agents to submit at all events a portion of the documents cited in the Case before the opening of the hearings. The Agents replied that the reason why they had not produced documents in support had been that these documents were undoubtedly known to the other side; they would however be able to produce most of these documents, if requested to do so. The Court decided to instruct the Registrar to address a request to this effect to the Agents of the applicant Powers.

Inaccuracies in documents filed.

In view of the importance of strict accuracy in the text of documents filed with the Court, the Court decided, in connection with a case heard at the 23rd Session, to draw the attention of the Agents to certain inaccuracies in documents which had been submitted to it.

RULES, ARTICLE 42, paragraphs 2 and 3.

Communication of documents of the written proceedings to governments and to the public.

On July 16th, 1931, the Court, with the consent of the Agents of the governments concerned, authorized the communication of the Memorials in the case concerning the customs régime between Austria and Germany to governments other than those concerned in the case, certain governments having expressed a desire to have these Memorials.

At the same time, the Court decided that the communication of the Memorials to the public and the Press would be authorized as soon as the interested governments (whose Agents had been unofficially approached on the subject) had given their official consent: it was understood that documents of a public character might be communicated forthwith.

These decisions constituted an application by analogy of Article 42 of the Rules to advisory procedure. Accordingly, the article was read as though it referred, not to "Parties", but to States Members of the League of Nations or international organizations "immediately concerned" in accordance with the terms of Article 74, paragraph 2, of the Rules.

In the Memel case, the government of a State not a Party to the suit asked to receive the documents of the written proceedings. The Parties, on being consulted, gave their consent, and the communication of these documents was sanctioned.

The same course was adopted in regard to a request from a government not a Party to the suit in the zones' case (third phase).

In the Greenland case, a government of a State not a Party to the suit asked for the documents of the written proceedings. The Parties were duly consulted and gave their consent, whereupon the President—the Court not being in session—authorized the communication of the documents in question to that government under Article 42 of the Rules.

ARTICLE 43, PARAGRAPH 5.

The putting of questions to representatives of Parties.

Since the 20th Session, the practice has been followed of allowing judges, with the President's permission, to put questions to Agents and draw their attention to certain points at the hearing. The previous practice was that all questions were put in the name of the Court. Questions in regard to which the Court is in general agreement are still put in this way. In neither case is the Agent, to whom the question is put, bound to reply on the spot. He may take time to prepare his answer and give it at a later stage of the hearings.

July 29th, 1931.

With regard to certain questions which certain judges wished to be put to the Agents of the interested governments

in the case of the customs régime between Austria and Germany, it was agreed that these questions should not be put in the name of the Court; it was also decided that the members of the Court who were their authors should agree with the President in regard to the precise wording of the questions and the moment of time at which they should be put. The text of the questions was first communicated unofficially in writing to the Agents, and the questions were then officially put at the hearing by their respective authors.

In connection with a case heard at the 23rd Session, the Court decided, in the course of the preliminary exchange of views preceding the hearings, to draw the attention of the Agents to the desirability of the Court's having their views on certain questions and to call for the production of certain documents cited in the Memorials. The Registrar sent a letter to the Agents on the subject. November 7th, 1931.

In the same case, the Court decided to put to the Agents a question regarding the interpretation of an expression in the question submitted to the Court by the Council of the League of Nations. It was understood that the Court was not asking for an interpretation of the expression in question—since that interpretation was in the last resort a matter for the Court—but merely an indication as to the manner in which the interested governments had themselves understood it. November 11th, 1931.

During the preliminary examination of a case dealt with at the 23rd Session, the Court decided to instruct the Registrar to ask the Agents of the interested governments by letter for information on certain points. December 7th, 1931.

At the hearings in the free zones' case ("third phase"), some questions which certain judges wished to be put to the Parties' representatives were communicated to them by letter. Other questions were put at the hearing by the judges responsible for them. When the Parties' Agents had each concluded their first speech, a special sitting was held at which the Court was to hear the Agents' answers to these questions. At this sitting, the two Agents asked permission to answer some points in writing; this they did after the conclusion of the hearings. April 26th, 1932.

RULES, ARTICLE 33.

After the date for the beginning of the hearing in the case taken at the 24th Session had been fixed, one of the Agents asked that this date should be postponed. The Court, when the question was referred to it, decided to maintain the original date. It was held that it would be dangerous for the Court by granting this request—based exclusively Date of the opening of hearings.

on considerations of personal convenience—to create a precedent which would place it at the mercy of Agents and Counsel.

Time for the preparation of replies.

In the case concerning the customs régime between Germany and Austria, forty-eight hours was allowed the representatives of the Parties for the preparation of their replies.

In the Memel case, the respondent government, in its Counter-Case filed on May 31st, 1932, had replied on the merits, in so far as concerned four of the six questions upon which the applicant governments had asked the Court to pass, and had raised a preliminary objection in regard to the other two questions. The Court fixed June 8th as the date for the first public hearing at which the representatives of the applicant Powers were to argue the four questions in regard to which the jurisdiction of the Court had not been disputed. The Agent for the respondent Party having asked for three days to prepare his answer, the next hearing was fixed for Monday, June 13th; but it was understood that he was at the same time to reply to the observations of the applicant Powers on the preliminary objection, which observations were filed on June 10th.

RULES, ARTICLE 41.

Fixing of the date for the opening of hearings.

At the 23rd Session, two cases were to be dealt with: the date for the beginning of the hearing of one of them was not fixed directly the written proceedings had been concluded, because the other case had to be taken first. As soon as it was possible approximately to foresee when the examination of the latter case would be completed, the Court decided, without at once fixing the opening date, officially to inform the interested Parties that it could take the first-mentioned case immediately after it had concluded its examination of the case which was before it at the moment, and to warn them, provisionally and for their personal information, that they would probably be required to be at the Court's disposal as from a certain date (which was subsequently officially fixed as the opening date of the hearing).

RULES, ARTICLE 42.

Transmission of documents to Parties.

In the free zones' case, the Court received petitions and requests from certain private individuals and organizations. These documents were communicated by the Registrar to the Parties to the case during the hearings.

In a case taken at the 25th Session, one of the Agents relied on a letter not included in the Court's record. The Agent for the other side having asked for the production of

this letter, the President invited the Agent in question to file the said letter with the Registry of the Court.

The same course had been adopted at the 23rd Session.

RULES, ARTICLE 46.

Order of pleading. July 20th, 1931.

In the case of the Austro-German customs régime, it was decided, with regard to the order in which the Parties' representatives should be heard on the preliminary question (regarding the right of the Austrian and Czechoslovak Governments to appoint a judge *ad hoc*), that the Agent of the Austrian Government should speak first, in accordance with his request, and that the Agent of the Czechoslovak Government should follow him. The Court could then hear the Agents of the other interested governments in alphabetical order. Afterwards, the Austrian and Czechoslovak Agents would be given an opportunity of speaking again if they so desired.

July 27th, 1931.

In the same case, the President announced that he would call on the representatives of the five interested governments to speak in the alphabetical order in French of the names of their respective countries. The Agents of the Italian and Czechoslovak Governments, however, expressed a desire to exchange their turns for speaking. There being no objection on the part of the representatives of the other interested governments, the President said that he would first call on the representative of the Czechoslovak Government to speak.

September 16th, 1931.

In the case concerning railway traffic between Lithuania and Poland, an international organization, the Committee for Communications and Transit, was invited to be represented before the Court, in accordance with Article 73 of the Rules. The representative of this Organization was called upon to address the Court first, before the Agents and Counsel of the interested governments.

In the same case, the question was raised whether it would not be more natural—having regard to the assimilation of advisory procedure to contentious procedure—that the government which had brought a question before the Council should speak first before the Court. However, the attention of the Agents was unofficially drawn to the possibility of an agreement between the Parties as to the order of speaking; failing such an agreement, alphabetical order would be maintained.

November 6th, 1931.

In the first case dealt with at the 23rd Session, the Court also decided, in fixing the order in which representatives of interested governments were to speak, to follow its previous practice and to adopt the alphabetical order, subject to an agreement to the contrary between the Parties.

This decision was taken in spite of weighty reasons to the contrary, because the Court, if it had in this case departed from the previous practice, might, in view of a submission embodied in the written statement of one of the governments, have appeared to be implicitly deciding a fundamental question before having investigated the case.

November 30th, 1931. In the other advisory case taken at the 23rd Session, only one of the interested governments filed a second written statement. The Court instructed the Registrar to inform the Agents that, failing an agreement between them, the Court would call upon the Agent of the government which had not filed a second written statement to speak first (according to alphabetical order, he should have spoken second). An agreement to the effect suggested by the Court was concluded between the Parties.

June 8th, 1932. In the Memel case (merits), the Court decided to call upon the representatives of the four applicant Powers to speak first, since no agreement as to the order of speaking had been concluded between the Parties. The Agents of the four Powers were allowed to agree between themselves as to the order in which they would speak.

RULES, ARTICLE 54, paragraph 3.

Correction of record of speeches. In the case of the Austro-German customs régime, the Court allowed Agents and Counsel to make corrections of form in the printed text of their speeches—though the ordinary practice is that the rights conferred on Parties by Article 54 are exhausted once they have had an opportunity of correcting the typed text of their speeches. In accordance with established practice, the cost of these second corrections —apart from purely typographical errors—was charged to the governments concerned.

ARTICLE 48.

The form of the Court's decisions. In the case concerning the Austro-German customs régime, the Court decided, on July 31st, 1931, to embody its decision concerning the appointment of judges *ad hoc* in that case in the form of an Order [1]. It was agreed to refer to Article 31

[1] An examination of the Court's previous practice in regard to the form of its decisions showed the following results :

(1) In giving the form of Orders to two decisions which had to be taken under Article 61 of the Rules, the Court had taken as the criterion for establishing the line of demarcation between judgments and Orders, the existence or absence of a dispute.

(2) The Court's decisions in matters which the President could decide when the Court was not sitting should preferably take the form of Orders, since obviously the President's decisions could only take that form.

(3) Since the Court had made Orders which did not invoke Article 48 of

of the Statute and 71 of the Rules, but not to Article 48 of the Statute, since there was no question of the conduct of the case. It was decided that some indication of the grounds on which the decision was based should be given.

In accordance with the precedents established in the Orders made in the case of the free zones, it was agreed that dissenting opinions might be appended to the Order. On the other hand, the result of the voting would not be indicated in the Order.

At the first public sitting held in the case concerning the Austro-German customs régime, the Court heard the observations of the representatives of the interested governments on the question of the appointment of judges *ad hoc* in this case. The Court having withdrawn to consider its decision, the President, on the resumption of the hearing, announced the decision of the Court.

But the publication of the Order setting out the grounds for this decision was postponed until the delivery of the Court's opinion in the case.

Fixing of alternative dates.

The Order of Court of June 18th, 1932, concerning the extension of the time-limits in the Greenland case, fixed two dates for the filing of the Rejoinder of the Norwegian Government: the first date to apply if that Government made no request for an extension, and the second if it did make such a request.

Upon the Norwegian Government submitting a request to this effect, the second date mentioned in the Order automatically became operative as the last date for the filing of the Rejoinder.

Form and time in which each Party must conclude its arguments.

In the advisory case taken at the 24th Session, the Court decided to inform the Agent of one of the governments that it was anxious that the standpoint of his government should be expressed in the form of submissions at the conclusion of his oral statement; this would enable the Court, if necessary, to refer to an authoritative summary of this standpoint. This is a case of the application by analogy of Article 48 of the Statute to advisory proceedings.

Delegation of powers to the President.

In the course of the 22nd Session, the Court, which was not to meet until further notice, gave full powers to the President to approve the Orders which had to be made in the immediate future in order to fix the times for the written proceedings in two cases submitted to the Court.

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the Statute, Orders need not necessarily relate to the "conduct of the case".

(4) On one occasion, the Court had described a decision which was to be made public simply as a "decision", without using the terms "Judgment" or "Order".

ARTICLE 49.

Request for information.

(For requests for information addressed to Agents, see also Statute, Art. 43, para. 5, above, pp. 262-263.)

RULES, ARTICLE 45.

In the course of the 22nd Session, the Court had addressed a request for information to the Agents of certain interested governments in regard to a point mentioned by them during the hearings. Before the information had been received, the hearings were concluded. The question was raised whether the Court should maintain the request, since it could only use any information produced after it had been communicated to all interested Parties, and, if the latter raised any objections, the Court would be obliged to reopen the hearings.

After an exchange of views, the President stated that the Court would accept the documents and information in question, but without committing itself as regards the procedure to be adopted in regard to them ; in no circumstances would the examination of the merits of the case be delayed.

RULES, ARTICLE 48.

Request for the production of documents.

In the case taken at the 21st Session, one of the Agents had requested the Court to ask the Agent of the other Party to produce an administrative document in support of the interpretation of a certain conception of administrative law which he had expounded before the Court. The Court, after deliberation, decided to comply with this request and instructed the Registrar to communicate with the Agent in question to this effect.

ARTICLE 52.

Admissibility of arguments.

In the third phase of the proceedings in regard to the case of the free zones, the Agent for one of the Parties adduced certain new arguments. The Agent for the other side disputed his right to adduce these arguments at that stage of the proceedings and asked the Court to reject them as inadmissible. In so doing, he adverted to the Order of August 6th, 1931, according to which any observations submitted in the third phase of the proceedings were intended solely to enable the Court to take into account any new fact arising between the end of the second phase and the beginning of the third phase of the proceedings. The Court thought it preferable not to allow the objection as to admissibility, more especially because the settlement of an international dispute such as that before it could not be made to depend mainly on a point of procedure.

ARTICLE 54.

RULES, ARTICLE 31, paragraph 1.

(For the practice usually adopted by the Court in the elaboration of its decisions, see Third Annual Report, pp. 214-216.)

Preliminary deliberation.

For the purposes of the preliminary discussion of an advisory case taken at the 23rd Session, the Court decided to follow the old practice according to which judges, at this stage of the deliberation, confined themselves to explaining the points on which they wished to have the views of their colleagues.

Drafting Committee.

In a case taken at the 25th Session, the Court had elected as a member of the Drafting Committee for the preparation of a draft judgment a judge of the nationality of one of the Parties to the case. At the request of this judge, the Court reversed this decision, since it did not desire to depart from the rule generally followed by it, namely, that judges who were nationals of States parties to a case should not be members of the Drafting Committee.

Individual notes.

In the same case (decision upon a preliminary objection), the Court decided, as a special exception, to dispense with the individual notes in which members of the Court state the provisional opinion reached by them.

RULES, ARTICLE 31, paragraph 6.

Minutes of private meetings.

On September 3rd, 1931, it was agreed that, provisionally, the name of any judge who had taken part in an exchange of views should be mentioned in the minutes.

In a case taken at the 22nd Session, the Court adopted, by way of experiment, a new method of keeping the minutes of private deliberations: it was understood that the minutes of the meeting should only record facts such as the date, hour and duration of the meeting, and the subject of the discussion. At the same time, an unofficial schedule would be prepared of the successive votes taken during the deliberation, indicating the majority and the names of judges in the minority, as had previously been done in the minutes themselves; decisions taken without a vote would also be recorded. These unofficial schedules were to be circulated at the close of meetings and would be destroyed at the end of the session.

The same method was adopted, as regards its main lines, for the two cases taken at the 23rd Session and also for the case taken at the 24th Session, but it was understood that the Court's decisions to adopt this method were applicable

only to the particular case and left open the question of the system ultimately to be adopted by the Court.

This method was discontinued for the Court's deliberations during the 25th Session, and it was decided that the minutes should once more be prepared as provided in Article 31 of the Rules, *inter alia*, because it might be necessary to refer to the minutes in order to verify the meaning and scope of certain votes taken at an earlier stage of proceedings and for this purpose an authentic text approved by the Court was required.

Approval of minutes.

On August 4th, 1931, it was decided that, as an exceptional case, there should be no formal reading and approval of the minutes. Judges were to be asked to send in any amendments they might wish to make in writing. Judges who had not sent in amendments by a fixed time would be held to have approved the minutes in question.

Subsequently, this method was adopted as a general rule.

Insertion of a declaration in the minutes.

At the 22nd Session, one of the members of the Court expressed a desire to use his right under Article 31 of the Rules to append to the minutes a statement indicating his views on a question concerning the interpretation of texts. His desire was granted.

So long as the new method indicated above for keeping minutes was observed, statements made under the above-mentioned Article 31 of the Rules were inserted in the minutes proper—and not simply in the "lists of decisions"—unless otherwise specially requested by the judge concerned.

ARTICLE 55, PARAGRAPH 2.

Dissenting opinions.

(For dissenting opinions subjoined to an Order, see under Statute, Art. 48, above, p. 267.)

ARTICLE 58.

Signature of judgments.

The judgment given in the case of the free zones was signed by the judge who had presided over the hearings and deliberations in this case, with, under his signature, the words: "Judge acting as President"; by the President, with the note: "Seen, the President of the Court", and by the Registrar. (The President of the Court had taken no part in the hearings and deliberations in the case, but he had fixed the time-limits in the third phase of the case and had convened the Court and, in general, undertaken duties not directly connected with the examination or solution of the case, but which, under the Statute and Rules, fall within the province of the "President of the Court": see Statute, Art. 13, above, pp. 246-247.)

The Judgment of June 24th, 1932, overruling the preliminary objection raised by the respondent government in the Memel case, was signed by the Vice-President of the Court, who had presided over the hearings and deliberations in this case in conformity with Article 13 of the Rules (see above, pp. 246-247); under his signature were the words: "Acting-President". The President of the Court did not sign the judgment.

Delivery of a judgment.

In a contentious case, it was suggested, for practical reasons, that the Court's decision on a preliminary objection should be communicated to the Parties without awaiting the formal delivery of the Court's judgment upon it. The Court, however, held that the terms of Article 58 of the Statute were explicit, and opposed such a proceeding.

RULES, ARTICLE 62.

Contents of a judgment.

In the case of the free zones (third phase), the Agent of the Swiss Government requested the Court, should it see fit, to apprise France in its judgment of a declaration regarding the attitude which the Swiss Government would adopt, should the judgment uphold the main Swiss contention. The Court recorded this declaration of the Swiss Government in the operative part of its judgment.

RULES, ARTICLE 74.

Date of delivery of an opinion.

At the 23rd Session, two advisory cases in which the same States were interested, were taken. The oral proceedings in the second were to begin before the opinion on the first had been delivered. The public sitting for the delivery of the opinion was fixed to take place in the interval between the first oral statements and the replies in the second case. In this way it was possible, firstly, to deliver the opinion as soon as possible after the conclusion of the deliberations, and secondly, to ensure that the two interested governments were placed in a position of absolute equality for the purpose of the oral proceedings in the second case: for, by this arrangement, in the event of the decision in the first case having any bearing on the second case, the two governments would have a precisely equal opportunity of adducing it before the Court.

ARTICLE 59.

A judgment is binding on the Parties.

In the Judgment of June 7th, 1932, concluding the case of the free zones, the Court maintained the opinion expressed by it in its Order of December 6th, 1930, namely that it would be incompatible with its Statute and with its position as a

Court of Justice to render a judgment which would be dependent for its validity on the subsequent approval of the Parties.

References to previous decisions.

In its Opinion of May 15th, 1931 (Series A./B., Fasc. No. 40), the Court cited Judgment No. 12 which related to the same subject.

In its Opinion of February 4th, 1932 (Series A./B., Fasc. No. 44), the Court referred to certain principles regarding the responsibility of States enunciated in its Opinion No. 15 and in Judgment No. 7 (pp. 24, 25). It also referred to the interpretation of Article 2 of the Treaty of Minorities given by it in Opinion No. 7 (p. 39).

ARTICLE 63.

Intervention.

On receipt of notification of the Special Arbitration Agreement between Italy and Turkey of May 30th, 1929, submitting to the Court the questions which had arisen between those two countries concerning the delimitation of the territorial waters between the island of Castellorizo and the coasts of Anatolia, the Registrar sent the communication provided for by Article 63 of the Statute to the various States which had participated in the Treaty of Lausanne, certain provisions of which were cited in the Special Agreement as the basis on which the Court was asked to give its decision.

For the application by analogy of Article 63 of the Statute in advisory procedure, see under Rules, Article 73, No. 1, paragraph 3, below, page 274.

SECTION II.—ADVISORY PROCEDURE.

RULES, ARTICLE 71, paragraph 2.

(For the appointment of judges *ad hoc* in advisory cases, see under Statute, Art. 31, above, p. 253.) Judges *ad hoc*.

RULES, ARTICLE 72.

In a case for advisory opinion taken at the 24th Session, the Court decided that it was bound by the terms of the questions submitted to it by the Council and that, accordingly, it was inadmissible to extend the scope of advisory proceedings in order to comply with a desire of the interested governments expressed only to the Court. To do this would, in fact, be tantamount to allowing governments directly to refer a question to the Court for advisory opinion (see also Statute, Art. 36, above, p. 255). Jurisdiction in advisory cases.

RULES, ARTICLE 73, No. 1, paragraph 2.

The resolution of the Council of the League of Nations submitting to the Court the case concerning railway traffic between Lithuania and Poland contained the following paragraph : International organizations likely to be able to furnish information.

> "The Advisory and Technical Committee for Communications and Transit is requested to provide the Court with any assistance it may need for the examination of the question submitted to it."

With regard to this paragraph, letters were exchanged between the Registrar and the Secretary-General of the Committee, from which the following points emerge :

(*a*) That it was doubtful whether the above-quoted clause was comparable with clauses concerning the International Labour Organization in other Council resolutions asking the Court for an opinion, because the last paragraph of Article 26 of the Statute does not appear in Article 27.

(*b*) That the Court would have to consider a legal situation upon which the Committee had already pronounced its opinion and would therefore, in fact, be in the position of a Court of appeal in relation to the Committee.

(*c*) That, accordingly, if observations were to be submitted on behalf of the Committee, these should relate exclusively to points of fact or points concerning the interpretation of the Committee's opinion. This would make it clear that the Committee was not appearing as a Party.

The Court, upon the question being referred to it, held that it would be valuable to have the views of the Advisory and Technical Committee for Communications and Transit of the League of Nations on questions of general interest to be considered in connection with the advisory opinion for which it had been asked; it accordingly decided on July 17th, 1931, to forward to that Committee, through the Secretary-General of the League of Nations, the communication provided for in Article 73, paragraph 2, of the Rules. As the times allowed for the submission of written documents had expired on July 15th, 1931, the Court only heard an oral statement on behalf of the Committee.

In the case for advisory opinion concerning the employment of women during the night, the choice of the organizations to which the special and direct communication provided for by Article 73 was to be sent, was made on the basis of unofficial conversations between the Registrar and the Deputy-Director of the International Labour Office, the request having been submitted at the instance of the International Labour Organization.

RULES, ARTICLE 73, No. 1, paragraph 3.

Application by analogy of Article 63 of the Statute.

In the advisory cases concerning Polish war vessels at Danzig and the treatment of Polish nationals at Danzig, the same method was employed as in two previous cases: the special and direct communication provided for by Article 73, No. 1, paragraph 2, of the Rules was only sent to the governments directly interested, namely the Polish Government and the Senate of the Free City, and a letter, drawing their special attention to Article 73, No. 1, paragraph 3, of the Rules was sent to all States parties to the Treaty of Versailles, the interpretation of which might be affected.

The same method was adopted in the advisory case concerning the employment of women during the night. The special and direct communication was only sent to three international organizations, whilst a circular letter drawing attention to Article 73, No. 1, paragraph 3, of the Rules was sent to the governments of States which had ratified the Convention concerning the employment of women during the night.

To this letter, the Government of Great Britain replied that it wished to be represented at the hearings in this case. The Court decided to grant this request.

RULES, ARTICLE 74.

Delivery of an opinion.

(For the fixing of the date for the delivery of an opinion, see Statute, Art. 58, above, p. 271.)

SECTION III.—OTHER ACTIVITIES.

Appointment of a neutral member of a mixed arbitral tribunal.

At the 23rd Session, the Court, which was called upon under clause IX of Agreement No. II concluded at Paris on April 28th, 1930, between Hungary and the Creditor Powers (cf. Seventh Annual Report, p. 305), to appoint a successor to M. Nyholm as a member of the Hungaro-Yugoslav Mixed Arbitral Tribunal, decided to undertake this mission and to carry it out upon receipt of a request to that effect from the two Governments concerned; on November 5th, 1931, it made the necessary appointment.

ANALYTICAL INDEX OF SUBJECTS TO CHAPTER VI.

ABBREVIATIONS :

I. L. O. International Labour Office.
L. N. League of Nations.

[1] 3 = Third Annual Report.
4 = Fourth ,, ,, .
5 = Fifth ,, ,, .
6 = Sixth ,, ,, .
7 = Seventh ,, ,, .
8 = Eighth ,, ,, , i.e. the present volume.

CHAPTER VII.

PUBLICATIONS OF THE COURT.

(See Sixth Annual Report, p. 327.)

Questions of printing.

* * *

A new edition of the catalogue (No. 9) was issued in March 1932. Like preceding editions, it has been widely circulated by the Publishers of the Court's publications and by Agents for their sale, as also by the Publications Service of the League of Nations. Furthermore, it has been inserted in various European and American legal reviews, as also in one of the volumes of an important digest of jurisprudence recently published in Germany.

Catalogues.

* * *

Up till January 1st, 1931, the Court's publications were issued in the six following series:

Series of Publications.

Series A. : 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. : The Court's Annual Reports.
,, F. : General Indexes.

The Series A. and B. and the new Series A./B.

On February 21st, 1931, the Permanent Court of International Justice adopted a new draft of Article 65 of its Rules providing for the combination in a single series (A./B.)

of the judgments, orders, and advisory opinions delivered by it which hitherto had been divided into Series A. (Judgments) and Series B. (Opinions).

The fascicules of the new Series A./B. can be collected into annual volumes; to facilitate reference to these volumes, the fascicules bear two page numbers, one (at the bottom of the page) referring to the fascicule, and the other (at the top) referring to the annual volume. The last fascicule of each year is accompanied by an index designed to facilitate reference to the text of judgments and opinions, similar to that formerly appended to Chapters IV and V of the Annual Reports.

Furthermore, the text of each judgment or advisory opinion is henceforward preceded by a summary, such as is given in the introduction to Chapters IV and V of the present volume (pp. 161-176).

The table given below of judgments, orders and advisory opinions published since the establishment of the Court indicates firstly the numbering employed for the fascicules of Series A. and B. before the creation of the new Series A./B., and secondly, opposite this, the numbers according to the new system of grouping. This table thus explains how it is that the first fascicule of the new Series A./B. (Advisory Opinion of May 15th, 1931) is numbered 40.

SERIES A./B.—*Judgments, Orders and Advisory Opinions.*

New numbering.	*Old numbering* [1].	*Short title of Cases.*
1	B 1	DESIGNATION OF THE WORKERS' DELEGATE FOR THE NETHERLANDS at the Third Session of the International Labour Conference.
2	B 2 and 3	COMPETENCE OF THE INTERNATIONAL LABOUR ORGANIZATION (persons employed in agriculture, and methods of agricultural production).
3	B 4	NATIONALITY DECREES ISSUED IN TUNIS AND MOROCCO (French zone).
4	B 5	STATUTE OF EASTERN CARELIA.
5	A 1	THE S.S. "WIMBLEDON".

[1] A : Judgment or Order (Series A.).
B : Advisory Opinion (Series B.).

New numbering.	*Old numbering.*	*Short title of Cases.*
6	B 6	QUESTIONS RELATING TO SETTLERS OF GERMAN ORIGIN IN THE TERRITORY CEDED BY GERMANY TO POLAND.
7	B 7	QUESTION CONCERNING THE ACQUISITION OF POLISH NATIONALITY.
8	B 8	DELIMITATION OF THE POLISH-CZECHO-SLOVAKIAN FRONTIER (question of Jaworzina).
9	A 2	THE MAVROMMATIS PALESTINE CONCESSIONS.
10	B 9	THE MONASTERY OF SAINT-NAOUM (Albanian frontier).
11	A 3	TREATY OF NEUILLY, ARTICLE 179, ANNEX, PARAGRAPH 4 (interpretation).
12	B 10	EXCHANGE OF GREEK AND TURKISH POPULATIONS.
13	A 4	INTERPRETATION OF JUDGMENT NO. 3.
14	A 5	THE MAVROMMATIS JERUSALEM CONCESSIONS.
15	B 11	POLISH POSTAL SERVICE IN DANZIG.
16	A 6	CASE CONCERNING CERTAIN GERMAN INTERESTS IN POLISH UPPER SILESIA (*question of jurisdiction*).
17	B 12	INTERPRETATION OF ARTICLE 3, PARAGRAPH 2, OF THE TREATY OF LAUSANNE (frontier between Turkey and Iraq).
18	A 7	CASE CONCERNING CERTAIN GERMAN INTERESTS IN POLISH UPPER SILESIA (*merits*).
19	B 13	COMPETENCE OF THE INTERNATIONAL LABOUR ORGANIZATION (personal work of the employer).
20	A 8	DENUNCIATION OF THE TREATY OF NOVEMBER 2nd, 1865, BETWEEN CHINA AND BELGIUM.—Orders: Question of measures of interim protection.
21	A 9 (Judgment No. 8.)	CASE CONCERNING THE FACTORY AT CHORZÓW (claim for indemnity—*jurisdiction*).
22	A 10 (Judgment No. 9.)	THE "LOTUS" CASE.

New numbering.	*Old numbering.*	*Short title of Cases.*
23	A 11 (Judgment No. 10.)	CASE OF THE READAPTATION OF THE MAVROMMATIS JERUSALEM CONCESSIONS (*jurisdiction*).
24	A 12	CASE CONCERNING THE FACTORY AT CHORZÓW (indemnities).—Order: Question of measures of interim protection.
25	B 14	JURISDICTION OF THE EUROPEAN COMMISSION OF THE DANUBE BETWEEN GALATZ AND BRAILA.
26	A 13 (Judgment No. 11.)	INTERPRETATION OF JUDGMENTS NOS. 7 AND 8 (Factory at Chorzów).
27	A 14	DENUNCIATION OF THE TREATY OF NOVEMBER 2nd, 1865, BETWEEN CHINA AND BELGIUM.—Order.
28	B 15	JURISDICTION OF THE COURTS OF DANZIG (claims of Danzig railway officials who have passed into the Polish service).
29	A 15 (Judgment No. 12.)	RIGHTS OF MINORITIES IN UPPER SILESIA (MINORITY SCHOOLS).
30	A 16	DENUNCIATION OF THE TREATY OF NOVEMBER 2nd, 1865, BETWEEN CHINA AND BELGIUM.—Order.
31	B 16	INTERPRETATION OF THE GRECO-TURKISH AGREEMENT OF DECEMBER 1st, 1926 (FINAL PROTOCOL, ARTICLE IV).
32	A 17 (Judgment No. 13.)	THE FACTORY AT CHORZÓW (claim for indemnity—*merits*).
33	A 18/19	DENUNCIATION OF THE TREATY OF NOVEMBER 2nd, 1865, BETWEEN CHINA AND BELGIUM.—CASE CONCERNING THE FACTORY AT CHORZÓW (indemnities).—Orders terminating the cases.
34	A 20/21 (Judgment Nos. 14 and 15.)	CASE CONCERNING THE PAYMENT OF VARIOUS SERBIAN LOANS ISSUED IN FRANCE.—CASE CONCERNING THE PAYMENT IN GOLD OF THE BRAZILIAN FEDERAL LOANS ISSUED IN FRANCE.
35	A 22	CASE OF THE FREE ZONES OF UPPER SAVOY AND THE DISTRICT OF GEX (*first phase*).—Order.
36	A 23 (Judgment No. 16.)	CASE RELATING TO THE TERRITORIAL JURISDICTION OF THE INTERNATIONAL COMMISSION OF THE RIVER ODER.

New numbering.	*Old numbering.*	*Short title of Cases.*
37	B 17	THE GRECO-BULGARIAN "COMMUNITIES".
38	B 18	FREE CITY OF DANZIG AND INTERNATIONAL LABOUR ORGANIZATION.
39	A 24	CASE OF THE FREE ZONES OF UPPER SAVOY AND THE DISTRICT OF GEX (*second phase*).—Order.

New Publications in Series A./B.:

Fascicule

No. 40. ACCESS TO GERMAN MINORITY SCHOOLS IN UPPER SILESIA.—Advisory Opinion of May 15th, 1931.

No. 41. CUSTOMS RÉGIME BETWEEN GERMANY AND AUSTRIA (PROTOCOL OF MARCH 19th, 1931).—Advisory Opinion of September 5th, 1931.

No. 42. RAILWAY TRAFFIC BETWEEN LITHUANIA AND POLAND (RAILWAY SECTOR LANDWARÓW-KAISIADORYS).—Advisory Opinion of October 15th, 1931.

No. 43. ACCESS TO OR ANCHORAGE IN THE PORT OF DANZIG OF POLISH WAR VESSELS.—Advisory Opinion of December 11th, 1931.

No. 44. TREATMENT OF POLISH NATIONALS AND OTHER PERSONS OF POLISH ORIGIN OR SPEECH IN THE DANZIG TERRITORY.—Advisory Opinion of February 4th, 1932.

No. 45. INTERPRETATION OF THE GRECO-BULGARIAN AGREEMENT OF DECEMBER 9th, 1927 (CAPHANDARIS-MOLLOFF AGREEMENT).—Advisory Opinion of March 8th, 1932.

No. 46. CASE OF THE FREE ZONES OF UPPER SAVOY AND THE DISTRICT OF GEX.—Judgment of June 7th, 1932.

No. 47. INTERPRETATION OF THE STATUTE OF THE MEMEL TERRITORY (preliminary objection).—Judgment of June 24th, 1932.

No. 48. LEGAL STATUS OF THE SOUTH-EASTERN TERRITORY OF GREENLAND.—Orders: Joining of suits and interim measures of protection.

No. 49. INTERPRETATION OF THE STATUTE OF THE MEMEL TERRITORY.—Judgment of August 11th, 1932.

Series C.

The Court decided, in February 1931, that the volumes or parts composing the collection of publications of Series C. should henceforward be numbered consecutively. This decision has been applied for the first time in respect of the volume containing the documents relating to the Advisory Opinion

of May 15th, 1931 (Access to German Minority Schools in Upper Silesia), which is accordingly numbered 52.

The following table of volumes of Series C. published since the establishment of the Court up till June 15th, 1931, indicates both the old and new numbering. For publications which have appeared since June 15th, 1931, see p. 319.

Series C.

SERIES C.—*Speeches, oral statements and documents.*

New numbering.	*Old numbering.*	*Short title of Cases.*
1	1	First Session (June—August, 1922). Documents relating to Advisory Opinions Nos. 1, 2 and 3.
2	2	Second Session (January—February, 1923). Documents relating to Advisory Opinion No. 4.
3	,,	Supplementary volume: NATIONALITY DECREES IN TUNIS AND MOROCCO. Documents of the written proceedings.
4	3	Third Session (June—September, 1923). Vol. I. Documents (minutes and speeches) relating to Advisory Opinions Nos. 5, 6 and 7 and Judgment No. 1.
5	,,	Vol. II. Documents (other than minutes and speeches) relating to Advisory Opinion No. 5 and Judgment No. 1.
6	,,	Vol. III[I]. Documents (other than minutes and speeches) relating to Advisory Opinions Nos. 6 and 7.
7	,,	Vol. III[II]. Documents (other than minutes and speeches) relating to Advisory Opinions Nos. 6 and 7.
8	,,	Supplementary volume: CASE OF THE S.S. "WIMBLEDON". Documents of the written proceedings.
9	4	Fourth Session (November—December, 1923). Documents relating to Advisory Opinion No. 8 (JAWORZINA).

New numbering.	*Old numbering.*	*Short title of Cases.*
10	5	Fifth Session (June—September, 1924). Vol. I. Documents relating to Judgment No. 2 (CASE OF THE MAVROMMATIS PALESTINE CONCESSIONS).
11	,,	Vol. II. Documents relating to Advisory Opinion No. 9 (QUESTION OF THE MONASTERY OF SAINT-NAOUM—ALBANIAN FRONTIER).
12	6	Chamber for Summary Procedure. Documents relating to Judgment No. 3 (TREATY OF NEUILLY, PART IX, SECTION IV, ANNEX, PARAGRAPH 4—INTERPRETATION).
13	,,	Supplementary volume: INTERPRETATION OF JUDGMENT NO. 3.
14	7	Sixth Session (January—March, 1925). Vol. I. Documents relating to Advisory Opinion No. 10 (EXCHANGE OF GREEK AND TURKISH POPULATIONS).
15	,,	Vol. II. Documents relating to Judgment No. 5 (CASE OF THE MAVROMMATIS JERUSALEM CONCESSIONS).
16	8	Seventh Session (April—May, 1925). Documents relating to Advisory Opinion No. 11 (POLISH POSTAL SERVICE AT DANZIG).
17	9—I	Eighth Session (June—August, 1925). Documents relating to Judgment No. 6 (CASE CONCERNING CERTAIN GERMAN INTERESTS IN POLISH UPPER SILESIA).
18	9—II	Eighth Session (June—August, 1925). EXPULSION OF THE ŒCUMENICAL PATRIARCH (request eventually withdrawn).
19	10	Ninth Session (October—November, 1925). Documents relating to Advisory Opinion No. 12 (TREATY OF LAUSANNE, ARTICLE 3, PARAGRAPH 2. FRONTIER BETWEEN TURKEY AND IRAQ).
20	11	Tenth Session (February—May, 1926). Documents relating to Judgment No. 7 (CASE CONCERNING CERTAIN GERMAN INTERESTS IN POLISH UPPER SILESIA—*merits*). —3 Volumes. Vol. I. Minutes.—Speeches.—German Case.

New numbering.	*Old numbering.*	*Short title of Cases.*
21	11	Vol. II. Polish Counter-Case.—German Reply.—Polish Rejoinder.
22	,,	Vol. III. Other Documents.—Correspondence.—Indexes.
23	12	Eleventh 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).
24	13—I	Twelfth Session (June—December, 1927). Documents relating to Judgment No. 8 (FACTORY AT CHORZÓW—CLAIM FOR INDEMNITY—*jurisdiction*).
25	13—II	Twelfth Session (June—December, 1927). Documents relating to Judgment No. 9 (THE "LOTUS" CASE).
26	13—III	Twelfth Session (June—December, 1927). Documents relating to Judgment No. 10 (CASE OF THE READAPTATION OF THE MAVROMMATIS JERUSALEM CONCESSIONS—JURISDICTION).
27	13—IV	Twelfth Session (June—December, 1927). Documents relating to Advisory Opinion No. 14 (JURISDICTION OF THE EUROPEAN COMMISSION OF THE DANUBE BETWEEN GALATZ AND BRAILA).—4 Volumes of 2250 pp. altogether.
		Vol. I. Minutes.—Speeches.
28	,,	Vol. II. Documents forwarded by the League of Nations.—Extracts from treaties, acts and regulations (1814-1883).
29	,,	Vol. III. Extracts from treaties, acts and regulations (1911).—Extracts from the preliminary discussions.—Diplomatic correspondence (1882-1921).— Protocols of the E. C. D., etc.
30	,,	Vol. IV. Memorials, Counter-Memorials, Notes, etc., with annexes and maps.—Opinions of Jurists.—Correspondence.—Indexes.

New numbering.	*Old numbering.*	*Short title of Cases.*
31	13—V	Twelfth Session (June—December, 1927). Documents relating to Judgment No. 11 (INTERPRETATION OF JUDGMENTS NOS. 7 AND 8—FACTORY AT CHORZÓW).
32	14—I	Thirteenth Session (February—April, 1928). Documents relating to Advisory Opinion No. 15 (JURISDICTION OF THE DANZIG COURTS—ACTIONS BY CERTAIN RAILWAY OFFICIALS AGAINST THE POLISH ADMINISTRATION).
33	14—II	Thirteenth Session (February—April, 1928). Documents relating to Judgment No. 12 (RIGHTS OF MINORITIES IN UPPER SILESIA —MINORITY SCHOOLS).
34	15—I	Fourteenth Session (June—September, 1928). Documents relating to Advisory Opinion No. 16 (INTERPRETATION OF THE GRECO-TURKISH AGREEMENT OF DECEMBER 1st, 1926—FINAL PROTOCOL, ARTICLE IV).
35	15—II	Fourteenth Session (June—September, 1928). Documents relating to Judgment No. 13 (FACTORY AT CHORZÓW—CLAIM FOR INDEMNITY—*merits*).
36	16—I	Sixteenth Session (May—June, 1929). CASE CONCERNING THE DENUNCIATION OF THE TREATY OF NOVEMBER 2nd, 1865, BETWEEN CHINA AND BELGIUM (request eventually withdrawn).
37	16—II	Sixteenth Session (May—June, 1929). Documents relating to the Orders of September 13th, 1928, October 16th, 1928, November 14th, 1928, and May 25th, 1929 (FACTORY AT CHORZÓW—INDEMNITIES—*merits*) (termination of proceedings).
38	16—III	Sixteenth Session (May—June, 1929). Documents relating to Judgment No. 14 (CASE CONCERNING THE PAYMENT OF VARIOUS SERBIAN LOANS ISSUED IN FRANCE).

New numbering.	*Old numbering.*	*Short title of Cases.*
39	16—IV	Sixteenth Session (May—June, 1929). Documents relating to Judgment No. 15 (CASE CONCERNING THE PAYMENT IN GOLD OF THE BRAZILIAN FEDERAL LOANS ISSUED IN FRANCE).
40	17—I	Seventeenth Session (June—September, 1929). Documents relating to the Order of August 19th, 1929 (FREE ZONES OF UPPER SAVOY AND THE DISTRICT OF GEX). —4 Volumes of 2520 pp. altogether.
		Vol. I. Minutes.—Speeches by Me Paul-Boncour and M. Basdevant (France); by M. Logoz (Switzerland).
41	,,	Vol. II. Special Agreement; Cases, with annexes.
42	,,	Vol. III. Counter-Cases, with annexes and maps.
43	,,	Vol. IV. Replies, with annexes and map. —Correspondence.—Indexes.
44	17—II	Seventeenth Session (June—September, 1929). Documents relating to Judgment No. 16 (TERRITORIAL JURISDICTION OF THE INTERNATIONAL COMMISSION OF THE RIVER ODER).
45	18—I	Eighteenth Session (June—August, 1930). Documents relating to Advisory Opinion No. 17 (THE GRECO-BULGARIAN "COMMUNITIES").
46	18—II	Eighteenth Session (June—August, 1930). Documents relating to Advisory Opinion No. 18 (FREE CITY OF DANZIG AND INTERNATIONAL LABOUR ORGANIZATION).
47	19	Nineteenth Session (October—December, 1930). Documents relating to the Order of December 6th, 1930 (FREE ZONES OF UPPER SAVOY AND THE DISTRICT OF GEX —*second phase*).
		Vol. I. Minutes.—Speeches by Me Paul-Boncour and M. Basdevant (France); by M. Logoz (Switzerland).

New numbering.	*Old numbering.*	*Short title of Cases.*
48	19	Vol. II. Documents, Proposal and Observations of the French Government, maps, etc.
49	,,	Vol. III. Documents, Proposal and Observations of the Swiss Government.—Publications of the Swiss Committees, and maps.
50	,,	Vol. IV. Replies, with annexes.
51	,,	Vol. V. Documents filed and documents forwarded.—Correspondence.—Indexes.

Publications recently issued in Series C.:

No. 52. Twenty-First Session (April—May, 1931).
Documents relating to Advisory Opinion of May 15th, 1931 (ACCESS TO GERMAN MINORITY SCHOOLS IN UPPER SILESIA).

No. 53. Twenty-Second Session (July—October, 1931).
Documents relating to Advisory Opinion of September 5th, 1931 (CUSTOMS RÉGIME BETWEEN GERMANY AND AUSTRIA).

No. 54. Twenty-Second Session (July—October, 1931).
Documents relating to Advisory Opinion of October 15th, 1931 (RAILWAY TRAFFIC BETWEEN LITHUANIA AND POLAND—RAILWAY SECTOR LANDWARÓW-KAISIADORYS).

No. 55. Twenty-Third Session (November 1931—February 1932).
Documents relating to Advisory Opinion of December 11th, 1931 (ACCESS TO OR ANCHORAGE IN THE PORT OF DANZIG OF POLISH WAR VESSELS).

In the Press on June 15th, 1932:

No. 56. Twenty-Third Session (November 1931—February 1932).
Documents relating to Advisory Opinion of February 4th, 1932 (TREATMENT OF POLISH NATIONALS AND OTHER PERSONS OF POLISH ORIGIN OR SPEECH IN THE DANZIG TERRITORY).

No. 57. Twenty-Fourth Session (February—March, 1932).
Documents relating to Advisory Opinion of March 8th, 1932 (INTERPRETATION OF THE GRECO-BULGARIAN AGREEMENT OF DECEMBER 1927 [CAPHANDARIS-MOLLOFF AGREEMENT]).

No. 58. Twenty-Fifth Session (April—August, 1932).
Documents relating to Judgment of June 7th, 1932 (CASE OF THE FREE ZONES OF UPPER SAVOY AND THE DISTRICT OF GEX).

Series D. 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. 1 (second edition). Statute and Rules of Court, and other constitutional documents, rules or regulations (with the modifications effected therein up to February 15th, 1931).

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).

Second Addendum to No. 2:
Modification of the Rules, 1931 (Minutes of meetings of the Court; resolutions of the 11th Assembly of the L. N., 1930, etc.; proposals of members of the Court and of 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).

No. 6. Collection of Texts governing the jurisdiction of the Court.
Fourth edition (January 31st, 1932).

Series E. SERIES E.— *Annual Reports.*

No. 1. Annual Report (January 1st, 1922—June 15th, 1925).

No. 2. Second Annual Report (June 15th, 1925—June 15th, 1926).

No. 3. Third Annual Report (June 15th, 1926—June 15th, 1927).

No. 4. Fourth Annual Report (June 15th, 1927—June 15th, 1928).

No. 5. Fifth Annual Report (June 15th, 1928—June 15th, 1929).

No. 6. Sixth Annual Report (June 15th, 1929—June 15th, 1930).

No. 7. Seventh Annual Report (June 15th, 1930—June 15th, 1931).

No. 8. Eighth Annual Report (June 15th, 1931—June 15th, 1932).

SERIES F.—*General Indexes.* Series F.

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.

No. 2. Second General Index to the Publications of the Court (Series A., B. and C.).—Twelfth—Nineteenth Sessions (1927-1930). English and French in one volume.

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"Ten Years of International Jurisdiction."

On the occasion of the tenth anniversary of the Permanent Court of International Justice, the publisher of the Court's publications brought out a volume, compiled in the Registry of the Court, and entitled *Ten Years of International Jurisdiction* (1922-1932) [1].

* * *

German edition.

(See Fifth Annual Report, p. 291.)

The following volumes of the German edition of the Court's publications had appeared up to June 15th, 1932:

I	(Judgments	and	Advisory	Opinions	1922-1923)
II	(,,	,,	,,	,,	1924)
III	(,,	,,	,,	,,	1925)
IV	(,,	,,	,,	,,	1926)
V	(,,	,,	,,	,,	1927)
VI	(,,	,,	,,	,,	1928)
VII	(,,	,,	,,	,,	1929-1930).

Volume VIII (Judgments and Advisory Opinions 1931) will appear in October 1932.

As indicated in preceding Annual Reports, the German edition of the Court's publications is issued by the *Institut für Internationales Recht* at Kiel; it is published with the authorization of the Registrar and subject to his control.

[1] See also the introduction to the present volume, p. 8.

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, pp. 281-289, and Sixth Annual Report, pp. 339-342.)

Since the Sixth Annual Report, the League of Nations Financial Regulations have not undergone any modifications directly affecting the Court's financial administration.

C.—Other Regulations.

(1) members of the court.

(See First Annual Report, p. 289, Fifth Annual Report, p. 295, and Sixth Annual Report, p. 342.)

On September 25th, 1930 (15th plenary meeting of the 11th Session), the Assembly adopted a Resolution fixing the salaries and allowances of members of the Court as from January 1st, 1931, until such time as the Resolution adopted by the Assembly on September 14th, 1929, in connection with the revision of the Court's Statute, should become applicable. See the Seventh Annual Report, Chapter II, page 97, for the text of the Resolution of September 25th, 1930, and pages 93 *et sqq.* for an account of the circumstances which led the Assembly to adopt this Resolution.

On the same date, the Assembly also adopted another Resolution modifying the 1924 Regulations concerning the pensions to be accorded to members of the Court and to the Registrar; this Resolution is reproduced on pages 97-99 of the Seventh Annual Report.

At its session in January 1931, the Council of the League of Nations invited the Supervisory Commission to examine the question of the revision of the regulations governing the grant of retiring pensions to judges and to the Registrar of the Court, more especially from the point of view of grants to widows and children. The Commission's report was submitted to the Council and by the latter to the Assembly (12th Session), but owing to lack of time it was not fully discussed by the competent Committee (the Fourth) of the Assembly. The latter confined itself to referring the question back to the Supervisory Commission with instructions to devote special attention to the two following points: (1) pensions for widows and orphans; (2) invalidity pensions.

The Supervisory Commission considered these questions at its session in April 1932. With regard to the first question, the Commission did not feel able to recommend the grant of pensions to the widows and orphans of persons to whom the system of pensions established for members of the Court applied. Nevertheless, in view of the fact that, under the Court's Statute, a deceased judge can only be replaced after the lapse of several months, the Commission is suggesting to the Assembly a solution consisting in the payment to the widow or orphans below eighteen years of age left by a deceased member of the Court of a sum corresponding to three months of his salary.

With regard to the second question, the Commission proposes that no provision should be made for invalidity pensions for members of the Court. It points out in this connection that the absence of pensions of this kind will only be felt in the case of a judge resigning his appointment on grounds of health and not entitled to a retiring pension either because he has not been a judge long enough, or because he has not reached the age as from which pensions become payable. The Commission, in its report, emphasizes that for such cases a specific solution is to be found in the provisions of Article 1

of the existing Regulations which make it possible to avoid difficult situations, harmful to the dignity of the Court.

This report will now be submitted to the Assembly.

(2) THE REGISTRAR.

(See First Annual Report, p. 292.)

On May 21st, 1931, the Council of the League of Nations adopted a Resolution regarding the Registrar's salary. This Resolution is reproduced in the Seventh Annual Report, page 73, note 1.

By a Resolution adopted on September 29th, 1931, the Assembly of the League of Nations approved, in regard to the Registrar's emoluments, the solution recommended in the report of the Fourth Committee on the organization of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice. (See pp. 43-45 of the present volume for the history of this question and more particularly the relevant passage of the Committee's report.)

By a Resolution of the same date, the Assembly adopted the conclusions of the Fourth Committee's report on financial questions. This report contains the following passage in regard to the Registrar's salary:

"Lastly, the Committee agreed to the Supervisory Commission's proposal, dated September 23rd, concerning the Registrar of the Permanent Court of International Justice. This official's position is, therefore, as follows: the scale of salary fixed by the Council on the proposal of the Court for the period January 1st, 1930—December 31st, 1936, ranging from 27,000 to 32,000 florins, by means of annual increments of 1,250 florins, is applicable as from now. On the other hand, the credit of 7,500 florins included in the supplementary budget by the decision of the Council, subject to the Assembly's approving the necessary credits, has been cancelled, as the Registrar has, of his own accord, foregone, for 1932, the benefit of the above scale."

(3) OFFICIALS OF THE REGISTRY.

(See Second Annual Report, p. 201, Fourth Annual Report, p. 327, and Fifth Annual Report, p. 76.)

The question of the new scale of salary for the Deputy-Registrar and that of the salary of Counsellors were postponed

for a year by the Assembly (resolution of September 29th, 1931; see pp. 43-45 of this volume).

When efforts were made at the Twelfth Session of the Assembly of the League of Nations to reduce the expenses of the League, the question was considered of extending the efforts at reduction to the salaries and other benefits of persons paid out of the budget of the League of Nations. It did not however appear possible to touch salaries: the report of the Supervisory Commission says on this point: "The Commission, considering the nature of the contracts of the staff of the organizations and the principles followed in the past by the Assembly with regard to the scale of salaries, does not feel it possible to propose a reduction of these salaries." In this connection it should be mentioned that the staff of the Registry had spontaneously offered to renounce a certain part of its salary, and that the Registrar of the Court informed the Supervisory Commission of this attitude in order that the staff of the Registry should receive the credit due to it for its offer. Again, the Commission considered whether it could, for 1932, withhold the annual salary increments. As however the legal position was debatable, the Commission did not see fit to adopt this course. Certain proposals made by the Commission to the Assembly, with regard to the travelling expenses of officials and their families on leave, likewise led to nothing, as they were rejected by the Financial Committee.

On the other hand, the Assembly adopted the proposal of the Supervisory Commission to reduce the existing scale of the subsistence allowances provided for members of committees and for officials of the League of Nations (including officials of the Registry but not members of the Court).

D.—Special Measures.

(1) Budget for 1932.

With regard to the budget for 1932 (the budget estimates submitted to the 1931 Assembly for the financial year 1932 are reproduced on p. 359 of the Seventh Annual Report), mention should be made of the following:

When, in September 1931, the Fourth Committee of the Assembly of the League of Nations examined the League's

budget, it considered that appreciable economies must be effected, but that such economies must be reasonable, that was to say, they must not interfere with the essential work of the League of Nations. The Fourth Committee entrusted to the Supervisory Commission the task of suggesting what savings could be effected and under what headings.

With regard to possible savings in the Court's budget, the minutes of the fourth meeting of the Committee (Sept. 15th, 1931) contain the following statement made by the Registrar of the Court:

"M. Hammarskjöld (Registrar of the Permanent Court of International Justice) said he was at the disposal of the Supervisory Commission. He pointed out, however, that, in view of the very special situation of the Court, he was afraid the result of the efforts of the Commission to economize would not be very appreciable.

The previous discussion had shown that an endeavour must be made to effect economies in two directions: the curtailment of activities and the rationalization of services.

The Court was not in a position to restrict its activities, for they depended, not on its own will, but on the requirements of litigants. On the other hand, an analysis of the budget would show that efforts at rationalization could affect only one-fourth of the budget. Moreover, the Court had expressed its present organization, as it resulted from the Assembly's work in 1929 and 1930, in the following formula: 'The judges are always at the disposal of the Court, which is always at the disposal of litigants.' Rationalization must not be carried to a point where it would render difficult the realization of this principle of organization.

M. Hammarskjöld pointed out that the main reason for the increase in the total budget of the League of Nations for 1932 was the Disarmament Conference; it must not be forgotten, however, that the organization of international justice was a necessary complement to the work for disarmament."

The report of the Supervisory Commission was for the greater part adopted by the Assembly on September 29th. As concerns the Court, the report emphasizes that any considerable reduction was made difficult owing to the statutory nature of most of the expenses and to the special character of the Court, which must hold itself constantly at the disposal of States and of the Council for the solution of any question submitted to it. Nevertheless, the Registrar, of his own accord, proposed to the Commission reductions exceeding in all 50,000 florins. These reductions, which were accepted by the Commission and enumerated in the report, include *inter alia:*

The contribution to the fund to cover the expenses incurred in applying the pensions regulations for judges of the Court was reduced from 30,000 to 10,000 florins; the credit for duty allowance for judges was reduced by 10,000 florins; finally the Registrar, in agreement with the Secretary-General, stated his willingness, for his own part, that an item of 10,000 florins for amortization of the cost of additional premises for the Court should be omitted; a saving of that amount was thereby effected.

(2) BUDGET FOR 1933.

At its 67th Session, the Council of the League of Nations had before it a memorandum on the expenditure of the League of Nations from the Government of the United Kingdom; this memorandum emphasizes the necessity of effecting savings and proposes the appointment of a special committee to consider the steps to be taken. In connection therewith, the Registrar of the Court drew up a note concerning the application to the Court of the principles of the British memorandum. This note, which was communicated to Members of the Council, was as follows[1]:

"I.—The British memorandum suggests the appointment of a special committee, the terms of reference of which would be:

(1) to effect reductions in the 1933 budget of the three League Organizations by

(*a*) curtailment of activities;
(*b*) curtailment of staff;
(*c*) reduction of salaries;

(2) to devise a procedure for ensuring stricter control over League expenditure.

II.—Whilst desirous of collaborating in every respect in the attainment of the ends envisaged in the British memorandum, the competent official of the Permanent Court of International Justice feels that he should call attention to the following considerations, which should perhaps be taken into account in the application of the principles of the memorandum to the Court.

(1) The activities of the Court are, owing to their nature, incapable of curtailment by external measures; the purpose for which the Court was created would be undermined if it were not always at the disposal of States for the decision of disputes or of the Council and Assembly of the League for giving advisory opinions. The budget for 1932, as reduced in September 1931, is calculated

[1] League of Nations Document C. 473. 1932. X.—Geneva, May 18th, 1932.

barely to enable the Court to fulfil this purpose; the 1933 estimates, as passed by the Supervisory Commission, constitute in all essential respects a repetition of the 1932 budget.

(2) The more or less standardized level (1,200,000 florins) thus reached by the Court's budget is higher than the level of the budgets of a few years ago. The reason for this is to be found in the reorganization of the Court and of its work which was effected in 1930-1931 as a result of decisions of the Assembly. The immediate causes are to be found in the increase in the number of regular judges, the 'stabilization' (substitution of important annual salaries for a system of a retaining fee and high daily allowances) of their salaries, and the fact that not all the present judges are sufficiently acquainted with the two official languages of the Court even to understand them (this, in fact, entails a very considerable increase in temporary or auxiliary translating and typing staff).

(3) About 70% of the Court's expenses are incurred under the heads of salaries or indemnities to judges; such indemnities, however, cannot (Statute of Court, Art. 32) be reduced during the period of office of judges (subject, of course, to their consent). The actual percentage allocation under the main heads of expenditure is calculated as follows:

I. Judges, assessors, etc., and Registrar	70%
II. Members of Registry (other than administrative and printing staff)	17%
III. Premises and furniture, etc.	5%
IV. Administration	5%
V. Printing	3%
	100%

(4) It is possible that a reduction in expenditure could be realized if the Court could see its way to modifying its present method of work. The question of this method, however, is one that goes to the very root of the problem of international jurisdiction and could not be decided exclusively or mainly on the basis of financial considerations. It is even suggested—with due diffidence—that it would hardly be for the Special Committee which is envisaged, to discuss this question.

(5) The expenses of the Court, excluding salaries and indemnities of judges but including salaries and indemnities of staff, amount to some 400,000 florins a year. As a standard of comparison, it may be mentioned that the contribution of States to the Permanent Court of Arbitration amounts to some 90,000 florins; to this sum should be added an amount of 15,000 florins, which should, again (for reasons which it would be too long to explain here), be deducted from the amount of expenses of the Court of Justice. Now, Parties before the Court of Justice have no expenditure over and above Counsel's fees, whereas, before the Court of Arbitration—*in addition to Judges' and Counsel's fees*—all expenditure except for premises and the assistance of the International Bureau, is charged to them. Further, whereas the general list of cases

of the Court of Justice since 1922 contains forty-eight cases, the corresponding list of the Court of Arbitration since 1922 includes four cases (three of which, however, were in reality not heard by that Court but by so-called 'special tribunals', the fourth being dealt with according to a special procedure). Nevertheless, States have shown no sign of finding their contribution to the Court of Arbitration excessive : on the contrary, they rejected in 1929 a suggestion the acceptance of which would have led to essential savings.

(6) With regard to the question of the number of the staff, the competent official feels that the Court is most decidedly understaffed, and that he has probably been inspired by a misguided sense of economy in that he has not, in periods of prosperity, insisted on a further development of the staff, certain sections of which are, under present conditions, undoubtedly submitted to prolonged periods of undue strain. It is readily admitted that certain highly specialized officials, while passing through periods of most severe strain, also enjoy relatively quiet periods. This state of affairs is, however, inherent in the Court's work, and it could probably be remedied only by a pooling of all similar officials within the three organizations, combined with a highly developed system of distribution of time between the various organizations ; but to envisage such a system would not, at least from the point of view of the Court, be a practical proposition.

(7) Notwithstanding serious pressure on the part of certain governments, the competent official has succeeded in maintaining the principle that the staff is recruited exclusively having regard to the exigencies of the work—i.e. regardless of considerations of nationality, more particularly of the desirability of an equitable distribution of posts between various nationalities. There can be no doubt but that this principle has resulted in the maintenance of the staff at the numerically lowest possible level—though it may have resulted in dissatisfaction on the part of certain governments and influential personalities.

(8) With regard to the question of the reduction of salaries, the following considerations—over and above the considerations of law and expediency which will no doubt be advanced from other quarters—would seem to be particular to the Court :

(*a*) It is not constitutionally possible to reduce the emoluments of judges. If, however, salaries at the level of 45,000 florins, combined with pensions which may reach 15,000 florins and to which the incumbents do not contribute, must be left intact, it would no doubt be felt as a severe hardship if, within the same organization, salaries of from 1,500 to 15,000 florins, combined with pensions to which the incumbents contribute, were seriously reduced.

(*b*) In December 1931, the staff of the Court unanimously offered to forego their annual increments for 1932. It is submitted that if the offer had been accepted, there would have been no question of a further reduction in 1933. It should be noted in this connection that the competent official of the Court, at a meeting of the Supervisory Commission, reserved the right to claim

on behalf of his staff the moral benefit of its gesture and that reasons of expediency alone prevented this reservation from appearing in the Commission's report.

(*c*) The competent official is prepared to submit official statistics showing the movement of the cost of living at The Hague during recent years.

III.—There would be no objection, on the part of the competent official of the Court, to the introduction of a still more strict control of expenditure, could a suitable and *inexpensive* system for the exercise of such control be devised: as it is, the Court pays some 1,800 florins a year for financial control."

* * *

On May 21st, 1932, the Council adopted a report referring the three following questions to the Supervisory Commission for examination: "a possible reduction of staff, that of salaries,—when I speak of salaries, I mean, of course, the salaries of the staff—and that of a stricter control of expenditure".

The Supervisory Commission was instructed to report on these questions to the Assembly. It met on June 3rd to discuss its instructions from the Council and to make the necessary preliminary arrangements with a view to drawing up its report in due time.

After that meeting, the Registrar of the Court submitted to the Supervisory Commission a memorandum on the "supervision" of the preparation of the Court's budget and of its expenditure; this memorandum was as follows:

"I.—The 'competent official' of the Court has to submit to the Supervisory Commission a statement indicating the way in which financial supervision is exercised in so far as concerns the Permanent Court of International Justice, i.e. from the standpoint of supervision of the preparation of the budget and from that of supervision of expenditure. On the other hand, he is not called upon to deal with the question of supervision of the supplementary credits, the inclusion of which in the budget in the course of a session of the Assembly is made necessary by decisions taken at that actual session, because in so far as this question can arise with regard to the Court, it is bound up with the general question arising in this respect which will doubtless be discussed by the Secretary-General.

II.—(A) According to the Financial Regulations (Definitions, and Art. 7, §§ 3 and 4), either the Registrar (as 'competent official') or the Court itself (as 'competent authority') is responsible for estimating the financial requirements of the Court.

The Court, on receiving the Financial Regulations which had then been recently adopted by the Assembly, decided on Janu-

ary 20th, 1923, to entrust this task to the Registrar. Accordingly, the Instructions for the Registry, drawn up under Article 26 of the Rules of Court, lay down that 'the Registrar is responsible for estimating the financial requirements of the Court".

Nevertheless, and notwithstanding this decision of the Court, these estimates also receive the approval of the Court itself (or given on its behalf) before being submitted to the Assembly. In earlier years, this approval was normally given in June or July, i.e., after the session of the Supervisory Commission devoted to the budget; at that time the Court's ordinary session only began on June 15th, and furthermore it was then possible for an autonomous organisation, apart from the procedure laid down for supplementary credits, to ask for the re-insertion of a credit, which had been included in the draft budget as submitted to the Supervisory Commission, but had been dropped from the draft communicated to Members of the League of Nations.

When this arrangement was altered, it became necessary for the Court to approve the budget estimates at latest about the end of March each year; in connection with this, an amendment was made in the Financial Regulations enabling the Court to delegate to its President its powers as 'competent authority'.

This change is taken into account in the present wording of the above quoted Article 28 of the Instructions for the Registry; under this Article, the Registrar, after having estimated the Court's financial requirements, has to 'submit such estimates first to the Court or the President, as the case may be, and then to the Supervisory Commission'. In practice, whenever the full Court is not in session in the second half of March, the estimates are submitted to the President, who approves them in virtue of powers specially delegated to him by the Court at the beginning of each year for the current year.

(B) The preparation of the Court's budget estimates by the Registrar is an operation which does not assume precisely the same aspect in regard to all groups of the budget items.

(*a*) One group includes items in regard to which it is merely a question of expressing in figures the budgetary effect of certain pre-established principles or provisions, having regard to a given set of circumstances.

To this group belong such items as the judges' annual salaries, and their duty allowances[1]; the salaries (and annual increases) of the permanent staff; judges' pensions; journeys of the judges 'on long leave'; the home journeys of the staff.

(*b*) A second group includes items for which the Secretary-General of the League of Nations and not the Registrar is ultimately responsible: to this group belong items connected with the expenses of the Court's premises. The credits entered under these items are fixed by agreement between the Secretary-General and

[1] Here, however, a slight amount of discretion may be exercised: in view of the efforts to effect economy made of late years, the Registrar has assumed that, apart from the "long leaves", there will, on the average, always be one judge unable to sit.

the Registrar on the basis, when necessary, of negotiations conducted in the name of the Secretary-General [1].

(*c*) The third group is that of items the calculation of which involves an element of appraisement and decision on the part of the Registrar in respect of the amounts to be entered under the respective items.

Here a distinction may be drawn between several categories of credits, e.g. :

(*aa*) credits for the creation of new posts—permanent or temporary (within the meaning of the Court's Staff Regulations) ;

(*bb*) the credit for auxiliary staff (within the meaning of the same Regulations) ;

(*cc*) credits for travelling expenses (judges, Registrar and staff) ;

(*dd*) credits for 'supplies' in the wide sense of the word, including equipment, books, etc.

As regards some of these categories, it is necessary to calculate indispensable requirements for the next financial period : such requirements will depend on the number and nature of the cases which it is possible to foresee ; on the number of sessions for administrative questions ; on the presence for a more or less extended period of one or more judges who can only effectively work in one of the Court's languages ; on the bulk of the documents of the written proceedings, etc. ; in so far as concerns purchases, question of price (discounts in the case of a relatively large order, reductions in price prevailing at a particular time, etc.) may also enter into account. In such cases, the Registrar makes his calculations in agreement with the heads of the competent services, including in every case the Accountant-Establishment Officer.

As regards other categories, decisions of principle are necessary : is it desirable, or indispensable, to create a new post or to convert a temporary post into a permanent one ? is the purchase of some particular equipment calculated to facilitate the work of the Court to an extent sufficient to justify the outlay required or to justify a hope that the expenditure will be indirectly recovered (e.g., by shortening the duration of sessions) ? In such cases, the contemplated estimates are discussed, already at this stage, with the President, and no item is included except in agreement with him.

(*d*) A last group of credits includes those which have, so to speak, been standardized in the course of time. For instance, the credit for printing, the credits for assessors and witnesses, as also the entries—to be deducted from the estimated expenditure—for contributions from States not Members of the League of Nations (Art. 35 of the Statute). These credits, the amount of which has become almost stereotyped, are rarely specially reconsidered, though recently this has been done in connection with the prevailing efforts to effect economies.

(C) (*a*) The Court examines the budget estimates prepared by the Registrar at a private meeting, after a sufficient time has elapsed since the distribution of the figures to enable members to make a thorough study of them.

[1] It is to be noted that when approving the draft budget, the Court excepts these items, which it merely notes.

As a rule, the budget is not discussed article by article, but each judge, in turn, makes any observations or suggestions which occur to him after having studied the estimates, and the Court decides, after hearing the Registrar.

The Court, in its examination of the budget, has taken up a very severe attitude more particularly as regards increases in the staff of the Registry.

(*b*) The corresponding examination by the President usually takes the form of a series of written questions and suggestions which he transmits to the Registrar and to which the latter replies. (It is clear that all members of the Court—to whom the budget estimates are sent at the same time as they are sent to the President—have the fullest scope to communicate their observations to the latter.) Once agreement has been reached between the President and the Registrar, the former approves the draft resulting from that agreement, and this draft is forwarded to the Supervisory Commission by the Registrar.

(D) The supervision of the Court's budget by the Supervisory Commission and afterwards by the Fourth Committee of the Assembly has no particular feature distinguishing it from the supervision of the other 'parts' of the budget of the League of Nations except that, of course, for this purpose, the financial organs of the League of Nations have at their disposal a representative of the Court. In accordance with Article 34 of the Instructions for the Registry, this representative is normally the Registrar[1], who may however be replaced by an 'official' appointed by the Court.

This general mandate includes of course the right of the Registrar to discuss with the said organs all amendments to the draft budget, to make counter-proposals and, within reasonable limits, to accept new solutions. Thus, for instance, during the 1930 session of the Assembly, the Registrar had to prepare an entirely new draft budget for 1931, neither of the alternative assumptions (*status quo;* entry into force of "Revised Statute") upon which the original drafts had been based having materialized.

III. 1.—Under the Financial Regulations, the Registrar (competent official) or the Court (competent authority) is responsible for the expenditure of all funds voted and for the appropriation of such expenditure to the proper items of the budget (Financial Regulations, Definitions, Art. 7, §§ 3 and 4). The Court has decided to entrust the Registrar with this additional responsibility (Rules of Court, Art. 26; Instructions for the Registry, Art. 38; cf. also decisions of Jan. 20th, 1923).

2.—In accordance with the Financial Regulations, the control of expenditure consists of internal control and external supervision.

(A) At the Secretariat of the League of Nations, there is a highly developed system of internal control to secure which there is a special department and to whose activities great importance

[1] It follows that the mandate which the Court regularly confers on the Registrar each year in respect of the following year with a view to the representation of the Court before the Supervisory Commission covers all questions *other than* budget questions.

is attached; this organization has its basis in the Financial Regulations themselves.

When these Regulations were adopted, the Registrar pointed out that the creation of a corresponding official for the Registry of the Court could hardly be contemplated: the volume of financial transactions was not great enough to provide work for a special supervisor or to justify the expense which the appointment of such an official would involve. The financial organizations, and in particular the Supervisory Commission, having agreed on this point[1], it was subsequently understood that the provisions of the Financial Regulations concerning internal control would apply to the Court only in principle and not in respect of the procedure they laid down.

The rules which apply to the administration of the Court the principles concerning internal 'control' laid down in the Financial Regulations appear in the Instructions for the Registry, more particularly in Articles 38 and 61-71; these provisions have naturally been somewhat developed in practice.

The dominant principle is that 'the Registrar alone is entitled to incur liabilities in the name of the Court'. However, there may be doubtful cases in which the Registrar may seek assistance from the Court or from the President: 'it is for him to judge in what cases he should obtain previous authorization from the Court or the President'. It should be particularly noted that this authorization, when obtained, in no way absolves the Registrar from responsibility to the organizations of the League of Nations; and conversely, that the Court or the President cannot compel the Registrar to incur expenditure which would, in his view, not be justified from the standpoint of the financial rules of the League.

It may perhaps be useful to give some examples of the way in which the Registrar exercises internal control.

Every purchase is made by means of an order form, signed by the Registrar and which must be attached to the invoice. All journeys on official duty are made exclusively upon the written instructions of the Registrar; these instructions are attached to the claim-form for travelling expenses. Before any official telegrams can be sent they must be initialled by the Registrar; moreover, every week the Registrar approves the telegram account to which is attached a copy of the messages despatched at the Court's expense. Similarly, each month he approves the account for official trunk calls. He certifies that the claims for expenses from the judges (travelling claims, etc.) are in accordance (for obvious reasons formal approval is given by the President) with the Regulations in force. He informs the Accountant-Establishment Officer in writing of the scale of payment of each official (permanent, temporary and auxiliary) and, where necessary (auxiliary staff), for what period. He approves the claims for travelling expenses submitted by the officials. Each month the Registrar verifies the appropriation account; of course, before incurring any expenditure he also obtains information with regard to the position concerning the special item in question. At irregular and frequent intervals he checks the cash.

[1] These observations are no doubt confirmed by the relevant minutes; these minutes are not at the disposal of the Registrar.

Since the creation of the post of Deputy-Registrar, the Registrar has in practice entrusted a certain part of this control to the latter; especially the checking of claims for expenses and the checking of accounts and cash. Otherwise, there is no delegation of the powers of control except in one case: the Archives Department, which is responsible for the despatch of mail, checks the accounts of the messenger who performs the duties of postal clerk. In this connection, it should however be added that no printing charges may be paid until they have been carefully checked by the Printing Department—which exercises very rigorous control over them—and not before they have been endorsed by that Department and by the Registrar.

Judges, including the President, and officials of the Court, including the Registrar, do not receive any 'entertainment allowance'.

To sum up, since there is no special official for the internal control of the Court's expenses, the Registrar has felt bound to exercise this control personally, except where, in certain cases, this duty is entrusted to the Deputy-Registrar. The Registrar therefore assumes entire responsibility for this control.

(B) As to so-called external supervision, it should be observed that the Registrar's office is visited four times a year at irregular intervals and with only a few hours notice by the Deputy-Accountant. Once a year—after the accounts have been closed and before the Spring session of the Supervisory Commission—the Auditor generally pays a personal visit.

Any question which may arise is usually discussed verbally with the Accountant-Establishment Officer direct; it is rare for the Auditor to wish an exchange of views with the Registrar on this matter; he has never availed himself with regard to the Court of the right conferred upon him by Article 47, paragraph 3, of the Financial Regulations.

At the beginning of each month, the Auditor receives from the Registrar a statement of receipts and expenditure for the previous month and also an abstract of the appropriation accounts for the expired period of the year, including the previous month. He also receives at the beginning of each year detailed inventories, together with a statement of those debts incurred during the preceding year which still remain unpaid.

Lastly, any resolution of the Court or the President authorizing transfers from one item to another of the same chapter of the budget is at once communicated to the Secretary-General.

IV.—The relevant extracts from the "Instructions for the Registry' (edition of Jan. 1st, 1929, not subsequently amended) are appended to the present note[1].

V.—The Registrar, being of opinion that, generally speaking, and judging by results, the system outlined above has proved satisfactory, does not feel called upon to make suggestions with regard to possible reforms."

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[1] See Fifth Annual Report, pp. 58-76.

2.

ANNUAL ACCOUNTS [1].

1931.

1.—BUDGET ESTIMATES.

(See Seventh Annual Report, p. 358.)

[1] For the details of budgets and accounts, see:

(*a*) for the 1931 budget: *League of Nations, Official Journal,* XIth year, No. 10 (October 1930), p. 1243;

(*b*) for the 1931 accounts: *League of Nations Document* A. 3. 1932. X, p. 61;

(*c*) for the 1932 budget: *League of Nations, Official Journal,* XIIth year, No. 10 (October 1931), p. 1974;

(*d*) for the draft budget for 1933: *League of Nations Document* A. 4 (*b*). 1932. X.

2.—ACCOUNTS 1931.

	Credits.	Expenditure.
	Dutch florins.	
SECTION 1.		
Ordinary Expenditure.		
Chapter I.		
Sessions of the Court	325,100.—	222,301.92
Chapter II.		
General services of the Court . .	933,088.50	894,900.39
Chapter III.		
Cost of administration of the Court's Funds	100.—	2,914.59
Chapter IV.		
Contribution towards the fund to defray the expenses resulting from the "Regulations for the grant of pensions to the members and to the Registrar of the Permanent Court of International Justice"	30,000.—	30,000.—
SECTION 2.		
Chapter V.		
Capital Account	20,000.—	10,943.60
	1,308,288.50	1,161,060.50
Receipts to be deducted:		
Bank interest	6,000.—	1,521.65
	1,302,288.50	1,159,538.85
Gold francs	2,712,668.—	2,415,155.80

3.—SUMMARY OF ASSETS AND LIABILITIES ON DECEMBER 31st, 1931.

Liabilities.	Dutch florins.	Gold francs.
Depreciation Account	103,154.03½	214,021.22
Surplus of assets over liabilities	742,830.45	1,543,001.47
	845,984.48½	1,757,022.69

Assets.		Dutch florins.	Gold francs.
Furniture, typewriters, etc.		97,511.38	202,295.14
Library		5,642.65½	11,726.08
Contributions to be received in accordance with the details given below		727,860.77	1,511,893 08
Contributions to be received for the "Consolidated Arrears Account":	Dutch fls.		
Gold francs 748,531.81	363,054.04		
Contributions to be received for the fifth financial period:			
Gold francs 28,497.27	13,912.82		
Contributions to be received for the sixth financial period:			
Gold francs 31,790.62	15,173.63		
Contributions to be received for the seventh financial period:			
Gold francs 31,632.52	14,896.38		
Contributions to be received for the eighth financial period:			
Gold francs 27,892.67	11,872.80		
Contributions to be received for the ninth financial period:			
Gold francs 30,474.40	14,630.26		
Contributions to be received for the tenth financial period:			
Gold francs 10,844.19	5,205.92		
Contributions to be received for the eleventh financial period:			
Gold francs 95,936.74	46,056.72		
Contributions to be received for the twelfth financial period:			
Gold francs 113,980.06	54,718.91		
Contributions to be received for the thirteenth financial period:			
Gold francs 392,311.80	188,339.29		
Cash in hand and at bank		14,969.68	31,108.39
		845,984.48½	1,757,022.69

1932.

1.—BUDGET ESTIMATES [1].

SECTION 1.—ORDINARY EXPENDITURE.

	Dutch florins.
Chapter I.	
Sessions of the Court	335,500.—
Chapter II.	
General services of the Court	921,181.—
Chapter III.	
Cost of administration of the Court's funds . .	100.—
Chapter IV.	
Contribution towards the fund to defray the expenses resulting from the "Regulations for the grant of pensions to the members and to the Registrar of the Permanent Court of International Justice"	10,000.—

SECTION 2.—CAPITAL ACCOUNT.

Chapter V.	
Permanent installations, etc.	15,000.—
	1,281,781.—
Receipts to be deducted:	
Interest at Bank	3,000.—
	1,278,781.—

[1] In pursuance of resolutions adopted by the Assembly, at its Twelfth Session, certain modifications were introduced in the budgetary estimates for 1932, as shown at page 359 of the Seventh Annual Report. (Cf. pp. 326-328.)

1933.

I.—BUDGET ESTIMATES [1].

SECTION I.—ORDINARY EXPENDITURE.	A	B
	Dutch florins.	
Chapter I.		
Sessions of the Court	315,800.—	150,800.—
Chapter II.		
General services of the Court . .	926,873.75	1,091,873.75
Chapter III.		
Cost of administration of the Court's Funds	100.—	100.—
Chapter IV.		
Contribution towards the fund to defray the expenses resulting from the "Regulations for the grant of pensions to the members and to the Registrar of the Permanent Court of International Justice"	24,852.50	24,852.50
SECTION 2.—CAPITAL ACCOUNT.		
Chapter V.		
Permanent installations, etc. . .	12,000.—	12,000.—
	1,279,626.25	1,279,626.25
Receipts to be deducted:		
Interest at Bank	2,000.—	2,000.—
	1,277,626.25	1,277,626.25

[1] As in the case of the budgetary estimates for 1931, it has been thought advisable to prepare two sets of budget estimates (A and B).

Estimates A are based on the Statute at present in force; estimates B on the revised Statute.

The Supervisory Committee, at its session of April 1932, accepted both estimates and agreed with the Registrar's suggestion, since the total of the two budgets was the same, that the best solution would be to adopt the budget which applied to the present state of affairs (estimates A), with the reserve that the Assembly should be asked to authorize transfers from chapter to chapter as an exceptional measure, should the revised Statute come into force.

CHAPTER IX.

No. 8.

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, Third, Fourth, Fifth, Sixth and Seventh Annual Reports (Series E., Nos. 2, 3, 4, 5, 6 and 7, ch. IX [2]). It supplements and refers to them, the system of grouping being the same.

The bibliographical references are uniform only as concerns titles prepared by the Registry; 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 the Bibliography.

[1] This list, like those in the seven preceding Annual Reports of the Court, has been prepared by M. J. Douma, formerly Assistant Librarian of the Carnegie Library in the Peace Palace. As from January 1st, 1931, M. Douma has become a member of the Registry of the Court in the capacity of Head of the Documents Department.

[2] Explanation of abbreviations used for references:
E 2: Second Annual Report.
E 3: Third ,, ,,
E 4: Fourth ,, ,,
E 5: Fifth ,, ,,
E 6: Sixth ,, ,,
E 7: Seventh ,, ,,

CONTENTS.

INTRODUCTION.

BIBLIOGRAPHIES CONCERNING THE COURT.

(See E 5, pp. 308-310 ; E 6, pp. 358-359 ; E 7, p. 365.)

3537. *Permanent Court of International Justice. Recent references* (1930-1931) [*supplementing previous lists*]. Compiled by FLORENCE S. HELLMAN. (Washington, Library of Congress: Division of bibliography, June 29, 1931.) 14 pages. [Mimeographed.]

3538. *Permanent Court of International Justice. Recent references* (1931-1932) [*supplementing previous lists*]. *Compiled by* FLORENCE S. HELLMAN. (Washington, Library of Congress: Division of bibliography, April 25, 1932.) 15 pages. [Mimeographed.]

3539. CARROLL (MARIE J.), *Key to League of Nations documents placed on public sale,* 1920-1929. [*Foreword by* T. P. SEVENSMA.] Boston, Massachusetts, World Peace Foundation, 1930. In-8°, 340 pages.
Supplement I. 1930. Boston 1931. III pages.
[See Subject Index in Supplement, under Permanent Court of International Justice, p. 90.]

3540. *Publications de la Cour permanente de Justice internationale, La Haye. Catalogue n°* 9 (*mars* 1932). (Avec sommaires et extraits de la table des matières.) Ce catalogue, périodiquement mis à jour, est envoyé gratuitement sur demande. Les prix s'entendent en florins hollandais. Leyde, Société d'éditions A. W. Sijthoff, 1932. In-8°, 24 pages.

3541. *Publications of the Permanent Court of International Justice, The Hague. Catalogue No.* 9 (*March,* 1932). (With summaries and extracts of the contents.) This catalogue, periodically completed, is sent free of cost on demand. The prices are noted in Dutch currency. Leyden, A. W. Sijthoff's Publishing Company, 1932. In-8°, 24 pages.

3542. *Liste bibliographique des publications officielles et non officielles relatives à la Cour permanente de Justice internationale. Supplément* 1931, *contenant les numéros* 3136-3536 *et deux index incorporés à ceux des listes précédentes. Dressée pour le Septième Rapport annuel de la Cour par* J. DOUMA. Extrait du Septième Rapport annuel de la Cour. La Haye, 1931. In-8°.

3543. *List* (*Bibliographical—*) *of official and unofficial publications concerning the Permanent Court of International Justice. Supplement* 1931, *containing numbers* 3136-3536, *with combined index to the preceding lists. Prepared for the Seventh Annual Report of the Court by* J. DOUMA. Reprinted from the Court's Seventh Annual Report. The Hague, 1931. In-8°.

A.—OFFICIAL AND PRIVATE DRAFT PLANS.

1. FROM THE SECOND HAGUE PEACE CONFERENCE (1907) TO THE WORLD WAR.

(See E 2, pp. 213-216; also p. 213: footnote; E 4, p. 339; E 5, p. 310; E 7, p. 365.)

3544. *Development of the League of Nations idea. Documents and correspondence of* THEODORE MARBURG, *Edited by* JOHN H. LATANÉ. New York, The Macmillan Company, 1932. In-8°, 2 vols. [World Court, Vol. I: pp. 31, 74, 105, 121, 131, 134, 146, 194, 284; Vol. II: pp. 508, 609, 685, 697, 706, 709, 713, 733, 736, 737, 740, 746, 807, 812, 867.]

2. DURING THE WORLD WAR.

(See E 2, pp. 216-219; E 4, pp. 339-340; E 6, p. 359.)

3. THE PEACE CONFERENCE OF VERSAILLES.—PLANS OF THE NEUTRAL POWERS. ADVISORY COMMITTEE OF JURISTS.

(See E 2, pp. 219-226; E 4, pp. 340-342; E 5, p. 311; E 6, p. 359.)

3545. CARNIER (HERMANN), *Die internationale Streitbeilegung. Der Völkerbundsentwurf der deutschen Regierung und seine Vorläufer.* Inaugural-Dissertation.... Würzburg. Ochsenfurt a. Main, Fritz & Rappert, 1931. In-8°, 116 pages. [Der Ständige Internationale Gerichtshof, *passim.*]

3546. KNOLL (GOTTFRIED), *Der Deutsche Regierungsentwurf zu einer Völkerbundssatzung vom April* 1919. *Zugleich Betrachtungen zur Völkerbundsverfassung und zu ihrer Reform.* (Leipziger rechtswissenschaftliche Studien, herausgegeben von der Leipziger Juristen-Fakultät, Heft 61.) Leipzig, Theodor Weicher, 1931. In-8°, XVI+98 pages.

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 E 2, pp. 226-227.)

B.—*Unofficial Publications.*

(See E 2, pp. 227-232; E 3, pp. 259-260; E 4, pp. 342-343; E 7, p. 366.)

3547. SUBOTIC (IVAN V.), *Statut Stalnog Suda Medjunarodne Pravde.* [The Statute of the Permanent Court of International Justice.] (Arhiv za pravne i drustvene nauke, 1921, t. XIX, pp. 294-297.) [In Serbian.]

1 *bis.* REVISION OF THE STATUTE OF THE COURT IN PURSUANCE OF A DECISION OF THE NINTH ASSEMBLY OF THE LEAGUE OF NATIONS [1].

A.—*Official Documents.*

(See E 5, p. 312 ; E 6, pp. 360-361 ; E 7, pp. 366-367.)

B.—*Unofficial Publications.*

(See E 5, p. 313 ; E 6, pp. 361-362 ; E 7, pp. 367-368.)

3548. *Committee of Jurists on the Statute of the Permanent Court of International Justice. Minutes of the Session held at Geneva, March* 11-19, 1929. (Proceedings of the American Society of International Law, 25th Annual meeting, 1931, April 23-25, Appendix, pp. 265-316.)

3549. *Conference of States signatories of the Protocol of Signature of the Statute of the Permanent Court of International Justice.* [I] *Final Act.* [II] *Note regarding the appointment and composition of the Committee of Jurists.* [III] *Letter from the Government of the United States of America to the Secretary-General of the League, February 19th,* 1929. (Proceedings of the American Society of International Law, 25th Annual meeting, 1931, April 23-25, Appendix, pp. 264-274.)

3550. LUBOMIRSKI (STEFAN JERZY), *Statut Stałego Trybunału Sprawiedliwości Międzynarodowej przed i po projektowanej rewizji.* Wydano staraniem kwartalnika „Sprawy Obce". Warszawa, Główna Drukarnia Wojskowa, 1931. In-8°, XI+243 pages. [The Statute of the Permanent Court of International Justice before and after the revision. In Polish.]

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2. TEXTS OF THE PROTOCOL OF SIGNATURE AND OF THE STATUTE.

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(See E 2, p. 232 ; E 3, p. 260 ; E 4, p. 343 ; E 6, pp. 362-363 ; E 7, p. 368.)

B.—*Unofficial Publications.*

(See E 2, pp. 233-234 ; E 3, p. 261 ; E 4, p. 343 ; E 6, p. 363.)

[1] See also Nos. 3555-3583 of this list.

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3. LEGISLATIVE INSTRUMENTS OF VARIOUS COUNTRIES.—PARLIAMENTARY DOCUMENTS AND DEBATES.—LAWS AND DECREES OF APPROVAL AND PUBLICATION [1].

(See E 2, pp. 235-260; E 3, pp. 261-270; E 4, pp. 344-348; E 5, pp. 313-315; E 6, pp. 363-376; E 7, pp. 368-377.)

DANEMARK. — DENMARK.

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[1] See also Nos. 3892-3894 of this list.
[2] „ „ „ 3922-3993 „ „ „ .

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3559. CHAMBRE DES DÉPUTÉS. *Projet de loi tendant à autoriser:* 1° *le Gouvernement à adhérer à l'Acte général d'arbitrage approuvé par la neuvième Assemblée de la Société des Nations;* 2° *la ratification de la déclaration, en date à Genève du* 19 *septembre* 1929, *portant adhésion de la France à la disposition facultative reconnaissant la juridiction de la Cour permanente de Justice internationale telle qu'elle est décrite à l'article* 36 *du Statut.* (Chambre des Députés, 14me législature, session de 1930, n° 557, Projet de loi adopté le 12 juin 1930.)

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de la Cour permanente de Justice internationale, signé par...., et, d'autre part, d'un Protocole, conclu à Genève le 14 *septembre* 1929, *entre .... et relatif à l'adhésion des États-Unis d'Amérique.... Exposé des Motifs.* (Chambre des Députés, 14me législature, 2me session extraordinaire de 1929, n° 2606, annexe au procès-verbal de la 1ère séance du 13 déc. 1929. 19 pages.)

3561. CHAMBRE DES DÉPUTÉS. *Projet de loi tendant à autoriser le Gouvernement à adhérer à l'Acte général d'arbitrage approuvé par la neuvième Assemblée de la Société des Nations le* 26 *septembre* 1928. *Exposé des Motifs.* (Chambre des Députés, 14me législature, session de 1929, n° 1368, annexe au procès-verbal de la 2me séance du 1er mars 1929. 20 pages.)

3562. CHAMBRE DES DÉPUTÉS. *Projet de loi tendant à autoriser la ratification de la déclaration, en date à Genève du* 19 *septembre* 1929, *portant adhésion de la France à la disposition facultative reconnaissant la juridiction de la Cour permanente de Justice internationale telle qu'elle est décrite à l'article* 36 *du Statut. Exposé des Motifs.* (Chambre des Députés, 14me législature, 2me session extraordinaire de 1929, n° 2605, annexe au procès-verbal de la 1ère séance du 13 déc. 1929. 18 pages.)

3563. CHAMBRE DES DÉPUTÉS. *Rapport fait au nom de la Commission des Affaires étrangères, chargée d'examiner le projet de loi tendant à autoriser le Gouvernement à adhérer à l'Acte général d'arbitrage approuvé par la neuvième Assemblée de la Société des Nations le* 26 *septembre* 1928, *par* M. PAUL BASTID. (Chambre des Députés, 14me législature, session de 1929, n° 2031, annexe au procès-verbal de la séance du 11 juillet 1929. 72 pages.)

3564. CHAMBRE DES DÉPUTÉS. *Rapport fait au nom de la Commission des Affaires étrangères chargée d'examiner le projet de loi tendant à autoriser la ratification, d'une part, d'un Protocole et son annexe, en date à Genève du* 14 *septembre* 1929, *relatif à des amendements au Statut de la Cour permanente de Justice internationale, signé par .... et, d'autre part, d'un Protocole, conclu à Genève le* 14 *septembre* 1929, *entre .... et relatif à l'adhésion des États-Unis d'Amérique .... par* M. MAXENCE BIBIÉ. (Chambre des Députés, 14me législature, session de 1930, n° 3006, annexe au procès-verbal de la 2me séance du 12 mars 1930. 37 pages.)

3565. CHAMBRE DES DÉPUTÉS. *Rapport supplémentaire fait au nom de la Commission des Affaires étrangères chargée d'examiner: 1° le projet de loi tendant à autoriser le Gouvernement à adhérer à l'Acte général d'arbitrage; 2° le projet de loi tendant à autoriser la ratification de la déclaration, en date à Genève du* 19 *septembre* 1929, *portant adhésion de la France à la disposition facultative reconnaissant la juridiction de la Cour permanente de Justice internationale telle qu'elle est décrite à l'article* 36 *du Statut, par* M. PAUL BASTID. (Chambre des Députés, 14me législature, session de 1930, n° 2924, annexe au procès-verbal de la séance du 25 févr. 1930. 10 pages.)

3566. CHAMBRE DES DÉPUTÉS. 2me *Rapport supplémentaire fait au nom de la Commission des Affaires étrangères chargée d'examiner: 1° le projet de loi tendant à autoriser le Gouvernement à adhérer à l'Acte général d'arbitrage; 2° le projet de loi tendant à autoriser la ratification de la déclaration, en date à Genève du 19 septembre 1929, portant adhésion de la France à la disposition facultative reconnaissant la juridiction de la Cour permanente de Justice internationale telle qu'elle est décrite à l'article 36 du Statut, par* M. PAUL BASTID. (Chambre des Députés, 14me législature, session de 1930, n° 3386 [Rectifié], annexe au procès-verbal de la séance du 3 juin 1930. 7 pages.)

3567. CHAMBRE DES DÉPUTÉS. *Discussion [et adoption]: 1° du projet de loi tendant à autoriser le Gouvernement à adhérer à l'Acte général d'arbitrage approuvé par la neuvième Assemblée de la Société des Nations le 26 septembre 1928; 2° du projet de loi tendant à autoriser la ratification de la déclaration, en date à Genève du 19 sept. 1929, portant adhésion de la France à la disposition facultative reconnaissant la juridiction de la Cour permanente de Justice internationale telle qu'elle est décrite à l'article 36 du Statut.* (Journal officiel, Débats parlementaires, 1930, n° 76, 6 juin, pp. 2408-2413; n° 79, 12 juin, pp. 2456-2466.)

3568. CHAMBRE DES DÉPUTÉS. *Discussion [et adoption] du projet de loi tendant à autoriser la ratification, d'une part, d'un Protocole et son annexe, en date à Genève du 14 septembre 1929, relatif à des amendements au Statut de la Cour permanente de Justice internationale, signé par...., et, d'autre part, d'un Protocole, conclu à Genève le 14 septembre 1929, entre les États signataires du protocole de signature du Statut de la Cour permanente de Justice internationale du 16 décembre 1920 et les États-Unis d'Amérique et relatif à l'adhésion des États-Unis d'Amérique audit protocole du 16 décembre 1920.* (Journal officiel, Débats parlementaires, 1930, n° 76, 6 juin, pp. 2404-2408.)

3569. SÉNAT. *Projet de loi adopté par la Chambre des Députés, tendant à autoriser la ratification, d'une part, d'un Protocole et son annexe, en date à Genève du 14 septembre 1929, relatif à des amendements au Statut de la Cour permanente de Justice internationale, signé par...., et, d'autre part, d'un Protocole, conclu à Genève le 14 septembre 1929, entre .... et relatif à l'adhésion des États-Unis d'Amérique.* (Sénat, année 1931, session ordinaire, Projet de loi adopté le 5 mars 1931; Loi du 8 avril 1931, Journal officiel du 10 avril 1931.)

3570. SÉNAT. *Projet de loi adopté par la Chambre des Députés, tendant à autoriser: 1° le Gouvernement à adhérer à l'Acte général d'arbitrage approuvé par la neuvième Assemblée de la Société des Nations; 2° la ratification de la déclaration, en date à Genève du 19 septembre 1929, portant adhésion de la France à la disposition facultative reconnaissant la juridiction de la Cour permanente de*

Justice internationale telle qu'elle est décrite à l'article 36 *du Statut. Texte définitif.* (Sénat, année 1931, session ordinaire, n° 47, Projet de loi adopté le 5 mars 1931 ; Loi du 1er avril 1931, Journal officiel du 9 avril 1931.)

3571. SÉNAT. *Projet de loi adopté par la Chambre des Députés, tendant à autoriser la ratification, d'une part, d'un Protocole et son annexe, en date à Genève du* 14 *septembre* 1929, *relatif à des amendements au Statut de la Cour permanente de Justice internationale, signé par .... et, d'autre part, d'un Protocole, conclu à Genève le* 14 *septembre* 1929 *entre .... et relatif à l'adhésion des États-Unis d'Amérique.... Exposé des Motifs.* (Sénat, année 1930, session ordinaire, n° 381, annexe au procès-verbal de la séance du 26 juin 1930. 5 pages.)

3572. SÉNAT. *Projet de loi adopté par la Chambre des Députés, tendant à autoriser :* 1° *le Gouvernement à adhérer à l'acte général d'arbitrage approuvé par la neuvième Assemblée de la Société des Nations le* 26 *septembre* 1928 ; 2° *la ratification de la déclaration, en date à Genève du* 19 *septembre* 1929, *portant adhésion de la France à la disposition facultative reconnaissant la juridiction de la Cour permanente de Justice internationale telle qu'elle est décrite à l'article* 36 *du Statut. Exposé des Motifs.* (Sénat, année 1930, session ordinaire, n° 380, annexe au procès-verbal de la séance du 26 juin 1930. 8 pages.)

3573. SÉNAT. *Rapport fait au nom de la Commission des Affaires étrangères et de politique générale des protectorats, chargée d'examiner :* 1° *le projet de loi, adopté par la Chambre des Députés, tendant à autoriser la ratification, d'une part, d'un Protocole et son annexe, en date à Genève du* 14 *septembre* 1929, *relatif à des amendements au Statut de la Cour permanente de Justice internationale, signé par...., et, d'autre part, d'un Protocole, conclu à Genève le* 14 *septembre* 1929 .... *relatif à l'adhésion des États-Unis d'Amérique.... ;* 2° *le projet de loi, adopté par la Chambre des Députés, tendant à autoriser :* 1° *le Gouvernement à adhérer à l'Acte général d'Arbitrage ;* 2° *la ratification de la déclaration, en date à Genève du* 19 *septembre* 1929, *portant adhésion de la France à la disposition facultative reconnaissant la juridiction de la Cour .... telle qu'elle est décrite à l'article* 36 *du Statut,* par M. HENRY DE JOUVENEL. (Sénat, année 1930, session extraordinaire, n° 560, annexe au procès-verbal de la séance du 25 nov. 1930. 39 pages.)

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d'Amérique audit protocole du 16 *décembre* 1920 ; 2° *le projet de loi adopté par la Chambre des Députés, tendant à autoriser :* 1° *le Gouvernement à adhérer à l'Acte général d'arbitrage approuvé par la neuvième Assemblée de la Société des Nations, le* 26 *septembre* 1928 ; 2° *la ratification de la déclaration en date, à Genève, du* 19 *septembre* 1929, *portant adhésion de la France à la disposition facultative de la Cour permanente de Justice internationale, telle qu'elle est décrite à l'article* 36 *du Statut.* (Journal officiel, Débats parlementaires, 1931, n° 39, 6 mars, pp. 222-232.)

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6. PREPARATION OF THE RULES OF COURT.—PROCEDURE [1].—TEXTS OF THE RULES AND OF THE REVISED RULES OF COURT.

(See E 2, pp. 262-263 ; E 3, pp. 271-272 ; E 4, pp. 348-349 ; E 5, pp. 317-318; E 6, p. 378; E 7, p. 381.)

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(See E 7, p. 384.)

C.—THE JUDICIAL AND ADVISORY FUNCTIONS OF THE COURT.

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(See E 2, pp. 264-266 ; E 3, pp. 274-275 ; E 4, p. 352 ; E 5, p. 321 ; E 6, pp. 382-383 ; E 7, pp. 385-386.)

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INHALTSVERZEICHNIS.

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3637. [*La Cour permanente de Justice internationale et la question des zones franches* (*Ordonnance du* 6 *décembre* 1930). *Textes de l'Ordonnance et de l'Opinion dissidente.*] (Revue de Droit international, fondée et dirigée par A. DE GEOUFFRE DE LA PRADELLE, tome VII, n° 2, V^me^ année, 1931, avril-mai-juin, pp. 678-691.)

3638. *Arrêts et Avis consultatifs de la Cour permanente de Justice internationale. Avis consultatif du* 15 *mai* 1931. *Accès de certains enfants aux écoles minoritaires allemandes en Haute-Silésie polonaise.* (Bulletin de l'Institut intermédiaire international, tome XXV : 1, 1931, juillet, pp. 121-123.)

3639. *Arrêts et Avis consultatifs de la Cour permanente de Justice internationale. Avis consultatif du* 5 *sept.* 1931. *Régime douanier entre l'Allemagne et l'Autriche* (*Protocole du* 19 *mars* 1931). [Résumé.] (Bulletin de l'Institut intermédiaire international, tome XXV : 2, 1931, oct., pp. 355-357.)

3640. *Chronique juridique. L'activité de la Cour permanente de Justice internationale. Affaire du projet d'union douanière austro-allemande : la composition de la Cour. Affaire des zones franches.* (Affaires étrangères, 1^ère^ année, n° 6, 1931, 25 août, pp. 326-330.)

3641. *Cour permanente de Justice internationale.* 1. *Avis consultatif relatif au régime douanier entre l'Allemagne et l'Autriche.* 2. *Avis consultatif visant le trafic ferroviaire entre la Lithuanie et la Pologne.* 3. *Disposition facultative.* 4. *Mise en vigueur du Protocole du* 14 *sept.* 1929 *concernant la revision du Statut de la Cour.* (Revue de Droit international, de Sciences diplomatiques et politiques (The International Law Review), fondée et publiée par ANTOINE SOTTILE, 9^me^ année, n° 3, 1931, juillet-sept., pp. 340-343.)

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3645. *Haager Gerichts- und Schiedsgerichtssprüche. Avis consultatif vom* 5. *September* 1931 *betreffend die Frage einer deutsch-österreichischen Zollunion.* (Niemeyers Zeitschrift für Internationales Recht, XXXXIV. Band, 2.-6. Heft, 1931, pp. 372-389.) *Beilagen :* I. *Opinion individuelle* (ANZILOTTI). II. *Opinion dissidente.* III. *Anhänge.* (*Ibidem*, XXXXV. Band, 1. und 2. Heft, 1931, pp. 145-188.)

3646. *Posudek Stálého Dvora mezinárodní spravedlnosti o Celnim režimu mezi Německen a Rakouskem* [*Advisory Opinion rendered by the Permanent Court of International Justice upon the proposal for a Customs union between Germany and Austria.*] [Serbian text.] (Zahrani čni Politika, Ročnik X, Rijen 1931, Sešit 10, pp. 1097-1105.)

3647. *L'Union douanière austro-allemande.* (Bulletin de l'Institut intermédiaire international, tome XXV : 2, 1931, oct., pp. 289-291.)

3648. *Arrêts et Avis consultatifs de la Cour permanente de Justice internationale.* [I.] *Avis consultatif du* 15 *oct.* 1931. *Trafic ferroviaire entre la Lithuanie et la Pologne* (*section de ligne Landwarów-Kaisiadorys*). [II.] *Avis consultatif du* 11 *décembre* 1931. *Accès et stationnement des navires de guerre polonais dans le port de Dantzig.* [Résumé des avis.] (Bulletin de l'Institut intermédiaire international, tome XXVI : 1, 1932, janv., pp. 135-137.)

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3653. *Arrêts et avis consultatifs de la Cour permanente de Justice internationale.* [I.] *Avis consultatif du 4 février* 1931. *Traitement des Nationaux polonais et des autres personnes d'origine ou de langue polonaise dans le territoire de Dantzig.* [II.] *Avis consultatif du 8 mars* 1932. *Interprétation de l'Accord gréco-bulgare du 9 décembre* 1927 *(Accord Caphandaris-Molloff).* (Bulletin de l'Institut intermédiaire international, tome XXVI : 2, 1932, avril, pp. 348-349.)

3654. *Haager Arrêt in Sachen der polnischen Minderheit in Danzig.* (Nation und Staat, 5. Jahrgang, 1932, April, pp. 515-516.)

3655. *Haager Gerichts- und Schiedsgerichtssprüche. Sprüche des Ständigen Internationalen Gerichtshofes. Avis consultatif vom 4. Februar* 1932 *betreffend Behandlung polnischer Staatsangehöriger, sowie der Personen polnischer Herkunft oder polnischer Sprachzugehörigkeit.* (Niemeyers Zeitschrift für Internationales Recht, XXXXVI. Band, 1. Heft, pp. 60-118.)

3. EFFECTS OF JUDGMENTS AND OPINIONS.

(See E 2, pp. 276-292 ; E 3, pp. 277-279 ; E 4, pp. 357-358 ; E 5, pp. 324-325 ; E 7, pp. 388-389.)

ADVISORY OPINION NO. 17, OF JULY 31st, 1930. THE GRECO-BULGARIAN "COMMUNITIES".

3655 *a. Commission mixte d'émigration gréco-bulgare. Rapport des Membres nommés par le Conseil de la Société des Nations sur la mission et les travaux de la commission.* Athènes, janv. 1932. In-f°, 96 pages. [Genève, Société des Nations : C. 238. M. 131. 1932. I. Annexe. Texte français seulement.] [Voir la page 29 de ce Rapport.]

ADVISORY OPINION OF MAY 15th, 1931. ACCESS TO GERMAN MINORITY SCHOOLS IN UPPER SILESIA.

3656. *Conseil de la Société des Nations. Soixante-troisième Session, Genève,* 18-23 *mai* 1931. *Sixième séance,* 23 *mai* 1931. 2856. *Protection des minorités en Haute-Silésie: Appel au Conseil en vertu des articles* 149 *et suivants de la Convention de Genève du* 15 *mai* 1922, *relative à la Haute-Silésie: Appel du « Deutscher Volksbund », du* 5 *juin* 1930, *concernant la non-admission, aux écoles minoritaires de la voïvodie de Silésie, pour l'année* 1929-30, *de soixante enfants précédemment examinés par l'expert pédagogique,* M. MAURER. M. YOSHIZAWA *soumet le rapport suivant:* .... M. SOKAL.... LE PRÉSIDENT PAR INTÉRIM.... *Le Conseil décide d'ajourner la question....* (Journal officiel [de la] Société des Nations, XII^me^ année, n° 7, 1931, juillet, p. 1151.)

3657. *Council of the League of Nations. Sixty-Third Session, Geneva, May* 18*th-*23*rd,* 1931. *Sixth meeting, May* 23*rd,* 1931. 2856. *Protection of Minorities in Upper Silesia: Appeal addressed to the Council under Articles* 149 *and following of the Geneva Convention of May* 15*th,* 1922, *relating to Upper Silesia: Appeal by the "Deutscher Volksbund" of June* 5*th,* 1930, *concerning the non-admission to the Minority Schools of the Voivodie of Silesia for the year* 1929-30 *of Sixty Children formerly examined by* M. MAURER, *Educational Expert.* M. YOSHIZAWA *read the following report:* .... M. SOKAL.... THE ACTING-PRESIDENT.... *The Council decided to adjourn the question....* (Official Journal [of the] League of Nations, XIIth Year, No. 7, 1931, July, p. 1151.)

ADVISORY OPINION OF SEPTEMBER 5th, 1931. CUSTOMS RÉGIME BETWEEN GERMANY AND AUSTRIA (PROTOCOL OF MARCH 19th, 1931).

3658. *Conseil de la Société des Nations. Soixante-quatrième Session* 1^er^-14 *sept.* 1931. *Troisième séance,* 7 *septembre* 1931. 2887. *Protocole austro-allemand pour l'établissement d'une Union douanière.* LE PRÉSIDENT *signale.... Il propose, en conséquence, le projet de résolution suivant:* .... *Le projet de résolution est adopté....* (Journal officiel [de la] Société des Nations, XII^me^ année, n° 11, 1931, nov., pp. 2069-2070.)

3659. *Council of the League of Nations. Sixty-Fourth Session, Sept.* 1*st-*14*th,* 1931. *Third meeting, Sept.* 7*th,* 1931. 2887. *Austro-German Protocol for the Establishment of a Customs Union.* THE PRESIDENT *explained.... He therefore proposed the following resolution:* .... *The draft resolution was adopted....* (Official Journal [of the] League of Nations, XIIth year, No. 11, 1931, Nov., pp. 2069-2070.)

ADVISORY OPINION OF OCTOBER 15th, 1931. RAILWAY TRAFFIC BETWEEN LITHUANIA AND POLAND (RAILWAY SECTOR LANDWARÓW-KAISIADORYS).

3660. *Conseil de la Société des Nations. Soixante-sixième Session, Genève, 25 janv. — 20 févr. 1932. Quatrième séance, 28 janv. 1932. 3001. État actuel des négociations entre la Lithuanie et la Pologne.* M. DE ZULUETA *soumet le rapport suivant: ....* M. ZAUNIUS.... M. ZALESKI.... M. ZAUNIUS.... *Le Conseil prend acte de l'Avis....* (Journal officiel [de la] Société des Nations, XIII^me année, n° 3 (deuxième partie), 1932, mars, pp. 480-481.)

3661. *Council of the League of Nations. Sixty-Sixth Session, Geneva. Jan. 25th—Feb. 20th, 1932. Fourth meeting, Jan. 28th, 1932, 3001. Situation with regard to the negotiations between Lithuania and Poland.* M. DE ZULUETA *presented the following report: ....* M. ZAUNIUS.... M. ZALESKI.... M. ZAUNIUS.... *The Council took note of the opinion of the Permanent Court of International Justice.* (Official Journal [of the] League of Nations, XIIIth year, No. 3 (Part II), 1932, March, pp. 480-481.)

ADVISORY OPINION OF DECEMBER 11th, 1931. ACCESS TO, AND ANCHORAGE IN, THE PORT OF DANZIG, OF POLISH WAR VESSELS.

3662. *Conseil de la Société des Nations. Soixante-sixième Session. Genève, 25 janv. — 20 févr. 1932. Sixième séance, 29 janv. 1932, 3009. Ville libre de Dantzig: Accès et stationnement des navires de guerre polonais dans le Port de Dantzig. Le vicomte* CECIL *soumet le rapport et le projet de résolution suivants: ....* M. ZIEHM .... *Le projet de résolution est adopté.* (Journal officiel [de la] Société des Nations, XIII^me année, n° 3 (Deuxième Partie), 1932, mars, pp. 488-489.)

3663. *Council of the League of Nations. Sixty-Sixth Session, Geneva, Jan. 25th—Feb. 20th, 1932. Sixth meeting, Jan. 29th, 1932. 3009. Free City of Danzig: Access to and anchorage in the Port of Danzig for Polish War vessels. Viscount* CECIL *presented the following report and draft resolution: ....* M. ZIEHM.... *The draft resolution was adopted.* (Official Journal [of the] League of Nations, XIIIth year, No. 3 (Part II), 1932, March, pp. 488-489.)

ADVISORY OPINION OF FEBRUARY 4th, 1932. TREATMENT OF POLISH NATIONALS AND OTHER PERSONS OF POLISH ORIGIN OR SPEECH IN THE DANZIG TERRITORY.

3664. *Conseil de la Société des Nations. Soixante-sixième Session, Genève, 25 janv. — 20 févr. 1932. Neuvième séance, 6 février 1932. 3027. Ville libre de Dantzig: Traitement des ressortissants polonais et d'autres personnes d'origine ou de langue polonaise à Dantzig. Le vicomte* CECIL *soumet le rapport et le projet de résolution suivants: .... Le projet de résolution est adopté.* (Journal officiel de la Société des Nations, XIII^me année, n° 3 (Deuxième Partie), 1932, mars, pp. 522-523.)

3665. *Council of the League of Nations. Sixty-Sixth Session, Geneva, Jan. 25th—Feb. 20th, 1932. Ninth meeting, Feb. 6th, 1932.* 3027. *Free City of Danzig: Treatment of Polish Nationals and other Persons of Polish origin or speech at Danzig. Viscount* CECIL *presented the following report and draft resolution:.... The draft resolution was adopted.* (Official Journal [of the] League of Nations, XIIIth year, No. 3 (Part II), 1932, March, pp. 522-523.)

4. WORKS AND ARTICLES ON JUDGMENTS AND OPINIONS.

(See E 2, pp. 292-300; E 3, pp. 279-283; E 4, pp. 358-364; E 5, pp. 325-330; E 6, pp. 388-394; E 7, pp. 389-394.)

3666. COLLETTE (JEAN), *Les principes de droit des gens dans la jurisprudence de la Cour permanente de Justice internationale.* Nancy-Paris-Strasbourg, Éditions Berger-Levrault, 1932. In-8°, 207 pages.

3667. *Digest (Annual—) of Public international law cases.* Being a selection from the decisions of international and national courts and tribunals given during the years 1927 and 1928. Editors ARNOLD D. MCNAIR and H. LAUTERPACHT. Advisory Committee Sir CECIL J. B. HURST, Å. HAMMARSKJÖLD, Sir JOHN FISCHER WILLIAMS and W. E. BECKETT. Contributions to International Law and Diplomacy.—Department of International Studies of the London School of Economics and Political Science (University of London). London, etc., Longmans, Green and Co., 1931. In-8°, LI+592 pages. [Permanent Court of International Justice, *passim;* see Index, p. 585.]

3668. LESSING (HEINZ WALTER), *Die Gutachten des Ständigen Internationalen Gerichtshofes.* Berlin-Grünewald, Walther Rothschild, 1932. In-8°, IV+111 pages.

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Idem, (2). (*Ibidem*, No. 8, 1931, Oct.)
Idem, (3). (*Ibidem*, No. 9, 1931, Nov.)
Idem, (4). (*Ibidem*, No. 1, 1932, Jan.)
Idem, (5). (*Ibidem*, No. 2, 1932, Feb.)
Idem, (6). (*Ibidem*, No. 3, 1932, March.)
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[In the Japanese language.]

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3672. NOVAKOVIC (MILETA), *Jedan spor oko tumacenja Versaljskog Ugovora (Afera Wimbledon).* [A dispute concerning the interpretation of the Treaty of Versailles.] (Arhiv za pravne i drustvene nauke, 1924, t. XXVI, pp. 213-226.) [In Serbian.]

3673. KLUIC (STEVAN), *Javorina.* (Novi Zivot, 1923, t. XIV, pp. 201-205.) [In Serbian.]

3674. JOVANOVIC (JOV.), *M. Manastir Sv. Nauma pred Eoropom.* [The Monastery of Saint-Naoum before Europe.] (Srpski Knjizevni Glasnik, 1925, t. XIV, pp. 40-50.) [In Serbian.]

3675. STUDIOSUS, *Sv. Naumsko pitanje.* [The case of St.-Naoum.] (Novi Zivot, 1925, t. XXI, pp. 353-362.) [In Serbian.]

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[Permanent Court of International Justice, advisory opinion of—on arbitration under Agreement of Athens, p. 534; on communities, p. 406; on "établis", p. 168.]

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[Postdienst im Hafen von Danzig, pp. 56-59.]

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3679. *Case (The—) of the S.S. "Lotus". A dramatization of the ninth case settled by the Permanent Court of International Justice, illustrating the functions and procedure of "the World Court".* Published by the Margaret C. Peabody Fund, prepared by the Educational Committee of the League of Nations Association, Massachusetts Branch, 40 Mt. Vernon Street, Boston. 1931. In-8°, 36 pages.

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3683. GIDEL (GILBERT), *Le droit international public de la mer.* Paris, Recueil Sirey, 1932. In-8°. 2 vol.

I. Introduction. La Haute mer. [*L'Affaire du Lotus*, pp. 243-245.]

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[Question des Zones franches: Aux portes de La Haye, pp. 177-180. L'Amitié franco-suisse, pp. 311-314.]

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(See E 2, pp. 311-316; E 3, pp. 289-293; E 4, pp. 370-373; E 5, pp. 336-339; E 6, pp. 400-403; E 7, pp. 398-401.)

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3. THE COURT IN RECENT TREATISES AND HANDBOOKS OF INTERNATIONAL LAW.—CODIFICATION OF INTERNATIONAL LAW.

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Accession of United States of America, p. 591.
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4. PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES.

A.— *General.*

(See E 2, pp. 321-323; E 3, pp. 297-298; E 4, p. 378; E 5, pp. 343-344; E 6, p. 407; E 7, pp. 403-404.)

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[Permanent Court of International Justice, *passim.*]

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C.—*The Geneva Protocol.*

(See E 2, pp. 324-326 ; E 3, p. 299 ; E 4, p. 379 ; E 6, p. 409.)

D.—*The Locarno Agreements.*

(See E 2, p. 326 ; E 3, p. 300 ; E 4, p. 379 ; E 5, p. 345 ; E 7, p. 404.)

E.—*General Act of Arbitration adopted by the Ninth Assembly of the League of Nations*[1].

(See E 5, pp. 346-347 ; E 6, p. 409 ; E 7, p. 405.)

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AUSTRALIE. — AUSTRALIA.

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F.—*The Kellogg Pact.*

(See E 5, p. 347; E 6, p. 410; E 7, p. 405.)

5. RELATIONS BETWEEN STATES.—POLITICS.—DIPLOMACY.

(See E 2, pp. 327-328; E 3, p. 300; E 4, p. 380; E 5, p. 347; E 6, p. 410; E 7, pp. 405-406.)

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(See E 2, pp. 328-329; E 3, pp. 300-301; E 4, pp. 380-381; E 5, p. 348; E 6, p. 411; E 7, p. 406.)

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F.—SPECIAL QUESTIONS.

1. THE UNITED STATES OF AMERICA AND THE COURT [1].

(See E 2, pp. 330-346; E 3, pp. 301-311; E 4, pp. 382-385; E 5, pp. 349-356; E 6, pp. 412-419; E 7, pp. 407-411.)

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ALPHABETICAL INDEX OF AUTHORS' NAMES AND OF NAMES CITED

IN THE BIBLIOGRAPHY OF THE COURT [1].

(The numbers refer to titles of publications and not to pages.)

[1] The present Index, like the Alphabetical Index of Subjects which is to be found on page 426, is cumulative, i.e. it covers the Bibliographies of the Second, Third, Fourth, Fifth, Sixth and Seventh Annual Reports (Series E., Nos. 2, 3, 4, 5, 6 and 7) as well as that of this volume (pages 347-404).

The **fatfaced** figures which precede the numbers of titles refer to the corresponding volumes of Series E. (**2** : Series E., No. 2 ; **3** : Series E., No. 3 ; **4** : Series E., No. 4 ; **5** : Series E., No. 5 ; **6** : Series E., No. 6 ; **7** : Series E., No. 7 ; **8** : Series E., No. 8, i.e. the present volume). No reference has been made to the Bibliography of the First Annual Report, as that list was incorporated in the Bibliography of the Second Report.

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CHAPTER X.

FIRST ADDENDUM TO THE FOURTH EDITION OF THE COLLECTION OF TEXTS GOVERNING THE JURISDICTION OF THE COURT [1].

The fourth edition of the *Collection of Texts governing the jurisdiction of the Court*, dated January 31st, 1932, contains, in the case of instruments for the pacific settlement of disputes, the complete text, and, in the case of other instruments, the extracts affecting the Court taken from all the international instruments which had come to the knowledge of the Registry by that date.

Below is given, in the form of Chapter X of the present Report, and under the heading "First Addendum", additional information obtained between January 31st and June 15th, 1932.

The present Chapter is intended to complete the fourth edition of the *Collection*. It is divided into two sections. The first comprises modifications and additions affecting texts given in the fourth edition of the *Collection* and arising, amongst other things, from new signatures, ratifications, etc.; the serial numbers refer to the *Collection*. The second section contains new international instruments which have come to the knowledge of the Registry since the fourth edition of the *Collection* was published. They are arranged according to the system followed in the *Collection*. As concerns the language in which the acts are reproduced, it seemed best to follow the system applied in the fourth edition of the *Collection of Texts* (see Preface to that publication, p. 11), with the difference that, wherever it was possible to choose between the two official languages of the Court, English, instead of French, was used. Thus, in the case of the instruments drawn in both English and French, both texts being equally authoritative, the English text has been taken.

The present Chapter is followed by a list of errata to the fourth edition of the *Collection of Texts* [2].

[1] Publications of the Court, Series D., No. 6.

[2] Section I of the present Chapter contains also some indications relating to the lists of signatories given in the *Collection*, and which are intended to correct certain errors noticed after the printing of the fourth edition of the *Collection*.

The *Collection*, with its addenda, does not claim to be absolutely complete or accurate. It relies, however, exclusively upon official information both as regards the actual existence of clauses affecting the Court's activity and as regards the text of such clauses, and the position in regard to their signature and ratification. This information is of two different kinds: official publications either by the League of Nations or its organizations, or by the various governments; direct communications, from the same sources [1].

The present Chapter has been reprinted separately in pamphlet form, so that the addendum may be easily added to the *Collection of Texts*. Copies of these reprints can be supplied to persons who possess the fourth edition of the *Collection*.

[1] See p. 63 of present Report for an account of the steps taken by the Registrar of the Court with a view to obtaining the consent of all governments entitled to appear before the Court to communicate regularly to the Registry the text of new agreements concluded by them and containing clauses relating to the Court's jurisdiction.

SECTION I.

MODIFICATIONS AND ADDITIONS AFFECTING THE TEXTS GIVEN IN THE FOURTH EDITION OF THE COLLECTION OF TEXTS GOVERNING THE JURISDICTION OF THE COURT [1].

3.—PROTOCOL OF SIGNATURE OF THE STATUTE FOR THE COURT.

Geneva, December 16th, 1920.

Ratifications (cont.) :

Hungary	Nov. 20th, 1925
Peru	March 29th, 1932

6.—PROTOCOL RELATING TO THE REVISION OF THE STATUTE FOR THE COURT.

Geneva, September 14th, 1929.

Signatures and ratifications (cont.) :

Cuba	Jan. 5th, 1931 [2]
Ethiopia	
Irish Free State	August 2nd, 1930
Italy	April 2nd, 1931

8.—PROTOCOL RELATING TO THE ACCESSION OF THE UNITED STATES OF AMERICA TO THE PROTOCOL OF SIGNATURE OF THE STATUTE FOR THE COURT.

Geneva, September 14th, 1929.

Signatures and ratifications (cont.) :

Ethiopia	
Latvia	August 29th, 1930

[1] See page 437, note 2.

[2] The reservation made by the Cuban Government when ratifying the Protocol was withdrawn by this Government by an instrument deposited with the Secretariat of the League of Nations on March 14th, 1932.

9.—OPTIONAL CLAUSE CONCERNING THE COURT'S COMPULSORY JURISDICTION.

Declarations of acceptance of the Optional Clause (*continued*).

Ethiopia (renewal).

Le soussigné déclare, au nom du Gouvernement impérial d'Éthiopie, reconnaître comme obligatoire de plein droit et sans convention spéciale vis-à-vis de tout membre ou État acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour conformément à l'article 36, paragraphe 2, du Statut, pour une durée de deux années avec effet à partir du 16 juillet 1931, en exceptant les différends futurs à propos desquels les Parties auraient convenu d'avoir recours à un autre mode de règlement pacifique.

Geneva, April 15th, 1932.

(*Signed*) Count LAGARDE, duc d'ENTOTTO.

List of States having signed the Optional Clause [1].

States.	Date of signature.	Conditions.	Date of deposit of ratification (*if any* [2]).
Union of South Africa	19 IX 29	Ratification. Reciprocity. 10 years and thereafter until notice of termination is given. For all disputes arising after ratification with regard to situations or facts subsequent to ratification, except : —disputes in regard to which the Parties have agreed or shall agree to have recourse to some other method of peaceful settlement ; —disputes between Members of the League of Nations who are also Members of the British Commonwealth of Nations ; —disputes with regard to questions which by international law fall exclusively within the jurisdiction of South Africa. The right is reserved in respect of any disputes considered by the Council to suspend judicial proceedings under certain conditions.	7 IV 30
Albania	17 IX 30	Ratification. Reciprocity. 5 years (as from the date of the deposit of the instrument of ratification). For all disputes arising after ratification with regard to situations or facts subsequent to ratification. Except the disputes (*a*) relating to the territorial status of Albania ; (*b*) with regard to questions which by international law fall exclusively within the jurisdiction of Albania ; (*c*) relating directly or indirectly to the application of treaties providing for another method of pacific settlement.	17 IX 30

[1] Sometimes the date of the signature of the Optional Clause does not appear in the declaration. In such cases, the list gives in brackets an approximate indication based on the date on which the declaration was first published in an official document of the League of Nations ; this document is then referred to in a note.

[2] Ratification is not in fact required under the terms of the Optional Clause.

States.	Date of signature.	Conditions.	Date of deposit of ratification (*if any*).
Australia	20 IX 29	(*See*, mutatis mutandis, *the conditions stipulated by the Union of South Africa.*)	18 VIII 30
Austria	14 III 22	Reciprocity. 5 years.	
	Renewed on 12 I 27	Ratification. Reciprocity. 10 years (from the date of the deposit of the instrument of ratification).	13 III 27
Belgium	25 IX 25	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.	10 III 26
Brazil	1 XI 21 [1]	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 [2].	
Bulgaria	(1921) [3]	Reciprocity.	12 VIII 21
Canada	20 IX 29	(*See*, mutatis mutandis, *the conditions stipulated by the Union of South Africa.*)	28 VII 30
China	13 V 22	Reciprocity. 5 years.	
Colombia	6 I 32	Reciprocity.	

[1] Brazil's declaration is contained in the deed of ratification of the Protocol of Signature of the Statute (deposited on November 1st, 1921).

[2] Germany and Great Britain—Powers permanently represented on the Council of the League of Nations—are now bound by the Clause, the first since February 29th, 1928, and the second since February 5th, 1930.

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

States.	Date of signature.	Conditions.	Date of deposit of ratification (*if any*).
Costa Rica	(Before 28 I 21) [1]	Reciprocity.	
Czechoslovakia	19 IX 29	Ratification. Reciprocity. 10 years (as from the date of deposit of the instrument of ratification). For all disputes arising after ratification with regard to situations or facts subsequent to ratification. Except in cases where the Parties have agreed or shall agree to have recourse to some other method of pacific settlement. Subject to the right of either Party to a dispute to submit it, before any recourse to the Court, to the Council of the League of Nations.	
Denmark	(Before 28 I 21) [2]	Ratification. Reciprocity. 5 years.	13 VI 21
	Renewed on 11 XII 25	Ratification. Reciprocity. 10 years (from June 13th, 1926).	28 III 26
Dominican Republic	30 IX 24	Ratification. Reciprocity.	
Esthonia	2 V 23 [3]	Reciprocity. 5 years. For any future dispute in regard to which the Parties have not	

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

Costa Rica, on December 24th, 1924, informed the Secretary-General of her decision to withdraw from the League of Nations, this decision to take effect as from January 1st, 1927. Before that date, Costa Rica had not ratified the Protocol of Signature of the Statute; moreover, Costa Rica is not mentioned in the Annex to the Covenant of the League of Nations. This would seem to point to the conclusion that Costa Rica's obligations resulting from her signature of the Protocol of December 16th, 1920, and of the Optional Clause have lapsed.

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

[3] Esthonia's declaration is contained in the deed of ratification of the Protocol of Signature of the Statute (deposited on May 2nd, 1923).

States.	Date of signature.	Conditions.	Date of deposit of ratification (*if any*).
Esthonia (*cont.*)		agreed to have recourse to some other method of pacific settlement.	
	Renewed on 25 VI 28 [1]	Extension for a period of 10 years as from May 2nd, 1928.	
Ethiopia	12 VII 26	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.	16 VII 26
	Renewed on 15 IV 32	Prolongation for a period of two years, from July 16th, 1931.	
Finland	(1921) [2]	Ratification. Reciprocity. 5 years.	6 IV 22
	Renewed on 3 III 27	Reciprocity. 10 years (as from April 6th, 1927).	
France	19 IX 29 [3]	Ratification. Reciprocity. 5 years. For all disputes arising after ratification with regard to situations or facts subsequent to ratification ; And which cannot be settled by a procedure of conciliation or by the Council according to the terms of Article 15, paragraph 6, of the Covenant. Except cases in which the Parties have agreed or shall agree to have recourse to some other method of arbitral settlement.	25 IV 31
Germany	23 IX 27	Ratification. Reciprocity. 5 years. For any future dispute arising after ratification regarding situations or facts subsequent to ratification.	29 II 28

[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 *Treaty Series* of the League of Nations, Vol. VI (1921), No. 170.

[3] This declaration replaces the declaration made on behalf of the French Government on October 2nd, 1924, which was subject to ratification but had not been ratified.

States.	Date of signature.	Conditions.	Date of deposit of ratification (*if any*).
Germany (*cont.*)		Except in cases where the Parties may have agreed or may agree to have recourse to another method of pacific settlement.	
Great Britain	19 IX 29	(*See*, mutatis mutandis, *the conditions stipulated by the Union of South Africa.*)	5 II 30
Greece	12 IX 29	Reciprocity. 5 years. For all categories of disputes enumerated in Article 36 of the Statute, except : (*a*) disputes relating to the territorial status of Greece, including those concerning its rights of sovereignty over its ports and lines of communication ; (*b*) disputes relating directly or indirectly to the application of treaties or conventions accepted by Greece and providing for another procedure.	
Guatemala	17 XII 26	Ratification. Reciprocity.	
Haiti	7 XI 21	(Without conditions.)	
Hungary	14 IX 28	Ratification. Reciprocity. 5 years (from the date of the deposit of the instrument of ratification).	13 VIII 29
India	19 IX 29	(*See*, mutatis mutandis, *the conditions stipulated by the Union of South Africa.*)	5 II 30
Irish Free State [1]	14 IX 29	Ratification. Reciprocity. 20 years.	11 VII 30

[1] 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.	Date of signature.	Conditions.	Date of deposit of ratification (*if any*).
Italy	9 IX 29	Ratification. Reciprocity. 5 years. Subject to any other method of settlement provided by a special convention. In cases where a solution by means of diplomacy or by the action of the Council of the League of Nations is not attained.	7 IX 31
Latvia	10 IX 29 [1]	Ratification. Reciprocity. 5 years. For all disputes arising after ratification of this declaration in regard to situations or facts subsequent to ratification. Except in cases where the Parties have agreed or shall agree to have recourse to some other method of peaceful settlement.	26 II 30
Liberia	(1921) [2]	Ratification. Reciprocity.	
Lithuania	5 X 21 *Renewed* on 14 I 30	5 years. 5 years (as from Jan. 14th, 1930).	16 V 22
Luxemburg	15 IX 30 [3]	Reciprocity. 5 years (renewable by tacit reconduction). For all disputes arising after the signature in regard to situations or facts subsequent to the signature. Except the cases where the Parties have agreed or shall agree to have recourse to some other method of peaceful settlement.	
Netherlands	6 VIII 21	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.	

[1] This declaration replaces the declaration made on behalf of the Latvian Government on September 11th, 1923, which was subject to ratification but had not been ratified.

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

[3] In 1921, the Government of Luxemburg had already signed the Optional Clause, subject to ratification; but ratification had not taken place.

States.	Date of signature.	Conditions.	Date of deposit of ratification (*if any*).
Netherlands (*cont.*)	*Renewed* on 2 IX 26	Reciprocity. 10 years (as from August 6th, 1926). For all future disputes excepting those in regard to which the Parties may have agreed after the entry into force of the Court's Statute, to have recourse to some other method of pacific settlement.	
New Zealand	19 IX 29	(*See*, mutatis mutandis, *the conditions stipulated by the Union of South Africa.*)	29 III 30
Nicaragua	24 IX 29	(Unconditionally.)	
Norway	6 IX 21	Ratification. Reciprocity. 5 years.	3 X 31
	Renewed on 22 IX 26	Reciprocity. 10 years (from Oct. 3rd, 1926).	
Panama	25 X 21	Reciprocity.	14 VI 29
Persia	2 X 30	Ratification. Reciprocity. 6 years (and after expiration of that period, until notification of abrogation). For all disputes arising after ratification with regard to situations or facts relating directly or indirectly to the application of treaties accepted by Persia and subsequent to the ratification. With the exception of : (*a*) disputes relating to the territorial status of Persia, including those concerning the rights of sovereignty of Persia over its islands and ports ; (*b*) disputes in regard to which the Parties have agreed or shall agree to have recourse to some other method of peaceful settlement ; (*c*) disputes with regard to questions which, by international law, fall exclusively within the jurisdiction of Persia. Subject to Persia's right to demand the suspension of proceedings before the Court in regard to any dispute referred to the Council of the League of Nations.	

States.	Date of signature.	Conditions.	Date of deposit of ratification (*if any*).
Peru	19 IX 29	Ratification. Reciprocity. 10 years (as from date of ratification). For all disputes arising with regard to situations or facts subsequent to ratification. Except in cases where the Parties may have agreed either to have recourse to some other method of settlement by arbitration or to submit the dispute previously to the Council of the League of Nations.	29 III 32
Poland	24 I 31	Ratification. Reciprocity. 5 years. For all disputes arising after the signature with regard to situations or facts subsequent to the signature. Except the cases where the Parties have agreed or shall agree to have recourse to some other method of peaceful settlement. Except the disputes : (1) with regard to matters which, by international law, are solely within the domestic jurisdiction of States ; (2) arising between Poland and States which refuse to establish or maintain normal diplomatic relations with Poland ; (3) connected directly or indirectly with the World War or with the Polono-Sovietic War ; (4) resulting directly or indirectly from the provisions of the Treaty of Peace signed at Riga on March 18th, 1921 ; (5) relating to provisions of internal law connected with points (3) and (4).	
Portugal	(Before 28 I 21) [1]	Reciprocity.	8 X 21
Roumania	8 X 30	Ratification. In respect of the governments recognized by Roumania and under reciprocity. 5 years.	9 VI 31

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

States.	Date of signature.	Conditions.	Date of deposit of ratification (*if any*).
Roumania (*cont.*)		In regard to legal disputes arising out of situations or facts subsequent to ratification. With exception of the matters for which a special procedure has been or may be established. Subject to the right of Roumania to submit the dispute to the Council of the League of Nations before having recourse to the Court. With the exception of : (*a*) any question of substance or procedure which might directly or indirectly cause the existing territorial integrity of Roumania and of her sovereign rights, including her rights over her ports and communications, to be brought into question ; (*b*) disputes relating to questions which, according to international law, fall under the domestic jurisdiction of Roumania.	
Salvador	29 VIII 30 [1]	With the exception of any disputes or differences concerning points or questions which cannot be submitted to arbitration in accordance with the political constitution of Salvador. Except the disputes which arose before the signature, and pecuniary claims made against the nation. Reciprocity only in regard to States which accept the arbitration in that form.	29 VIII 30
Siam	20 IX 29	Ratification. Reciprocity. 10 years. For all disputes as to which no other means of pacific settlement is agreed upon between the Parties.	7 V 30
Spain	21 IX 28	Reciprocity. 10 years. For any dispute arising after signature with regard to situations or facts subsequent to such signature. Except in cases where the Parties may have agreed or may agree to have recourse to some other method of pacific settlement.	

[1] The declaration of Salvador is contained in the deed of ratification of the Protocol of Signature of the Statute (deposited on August 29th, 1930).

States.	Date of signature.	Conditions.	Date of deposit of ratification (*if any*).
Sweden	16 VIII 21	Reciprocity. 5 years.	
	Renewed on 18 III 26	Reciprocity. 10 years (as from August 16th, 1926).	
Switzerland	(Before 28 I 21) [1]	Ratification. Reciprocity. 5 years.	25 VII 21
	Renewed on 1 III 26	Ratification. Reciprocity. 10 years (as from deposit of instrument of ratification).	24 VII 26
Uruguay	(Before 28 I 21) [1]	Reciprocity.	27 IX 21
Yugoslavia	16 V 30	Ratification. In relation to any government recognized by the Kingdom of Yugoslavia and on condition of reciprocity. 5 years (as from deposit of instrument of ratification). For all disputes arising after ratification. Except disputes relating to questions which, by international law, fall exclusively within the jurisdiction of the Kingdom of Yugoslavia. And except in cases where the Parties have agreed or shall agree to have recourse to some other method of peaceful settlement.	24 XI 30

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

11.—GENERAL ACT FOR CONCILIATION, JUDICIAL SETTLEMENT AND ARBITRATION.

adopted at the Ninth Assembly of the League of Nations at Geneva on September 26th, 1928.

Accessions [1]*:*

Australia	(A)	May 21st, 1931 [2].
Belgium	(A)	May 18th, 1929 [3].

[1] For the signification of letters (A) and (B), see Articles 38 and 43 of the General Act.

[2] The accession of Australia is subject to the following conditions :

"(1) That the following disputes are excluded from the procedure described in the General Act, including the procedure of conciliation :

(i) Disputes arising prior to the accession of His Majesty to the said General Act, or relating to situations or facts prior to the said accession ;

(ii) Disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement ;

(iii) Disputes between His Majesty's Government in the Commonwealth of Australia and the Government of any other Member of the League which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such a manner as the Parties have agreed or shall agree ;

(iv) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States ; and

(v) Disputes with any Party to the General Act who is not a Member of the League of Nations.

"(2) That His Majesty reserves the right in relation to the disputes mentioned in Article 17 of the General Act to require that the procedure prescribed in Chapter II of the said Act shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the procedure, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the Parties to the dispute or determined by a decision of all the Members of the Council other than the Parties to the dispute.

"(3) (i) That, in the case of a dispute, not being a dispute mentioned in Article 17 of the General Act, which is brought before the Council of the League of Nations in accordance with the provisions of the Covenant, the procedure prescribed in Chapter I of the General Act shall not be applied, and, if already commenced, shall be suspended, unless the Council determines that the said procedure shall be adopted.

"(ii) That in the case of such a dispute, the procedure described in Chapter III of the General Act shall not be applied unless the Council has failed to effect a settlement of the dispute within twelve months from the date on which is was first submitted to the Council, or, in a case where the procedure prescribed in Chapter I has been adopted without producing an agreement between the Parties, within six months from the termination of the work of the Conciliation Commission. The Council may extend either of the above periods by a decision of all its Members other than the Parties to the dispute."

[3] The accession of Belgium is subject to the reservation provided for in Article 39 (2) (*a*), with the effect of excluding from the procedure described

Canada	(A)	July 1st, 1931 [1].
Denmark	(A)	April 14th, 1930.
Esthonia	(A)	September 3rd, 1931 [2].
Finland	(A)	September 6th, 1930.
France	(A)	May 21st, 1931 [3].
Great Britain	(A)	May 21st, 1931 [4].
Greece	(A)	September 14th, 1931 [5].
India	(A)	May 21st, 1931 [4].
Irish Free State	(A)	September 26th, 1931.
Italy	(A)	September 7th, 1931 [6].

in this Act disputes arising prior to the accession of Belgium or prior to the accession of any other Party with whom Belgium may have a dispute.

[1] The accession of Canada is subject, *mutatis mutandis*, to the same conditions as those stipulated by Australia.

[2] The accession of Esthonia is subject to the following conditions: The following disputes are excluded from the procedure described in the General Act, including the procedure of conciliation:

(*a*) disputes resulting from the facts prior either to the accession of Esthonia or to the accession of another Party with whom Esthonia might have a dispute;

(*b*) disputes concerning questions which by international law are solely within the domestic jurisdiction of States.

[3] The instrument of accession of France contains the following declaration:

"Ladite adhésion concernant tous les différends qui s'élèveraient après ladite adhésion au sujet de situations ou de faits postérieurs à elle, autres que ceux que la Cour permanente de Justice internationale reconnaîtrait comme portant sur une question que le droit international laisse à la compétence exclusive de l'État; étant entendu que, par application de l'article 39 dudit acte, les différends que les Parties ou l'une d'entre elles auraient déférés au Conseil de la Société des Nations ne seraient soumis aux procédures décrites par cet acte que si le Conseil n'était pas parvenu à statuer dans les conditions prévues à l'article 15, alinéa 6, du Pacte.

"En outre, conformément à la résolution adoptée par l'Assemblée de la Société des Nations « pour la présentation et la recommandation de l'Acte « général », l'article 28 de cet acte est interprété par le Gouvernement français comme signifiant notamment que « le respect des droits établis par les traités « ou résultant du droit des gens » est obligatoire pour les tribunaux arbitraux constitués en application du chapitre 3 dudit Acte général."

[4] The accession is subject, *mutatis mutandis*, to the same conditions as the accession of Australia.

[5] The accession of Greece is subject to the following conditions: The following disputes are excluded from the procedure described in the General Act, including the procedure for conciliation referred to in Chapter I:

(*a*) disputes resulting from facts prior either to the accession of Greece or to the accession of another Party with whom Greece might have a dispute;

(*b*) disputes concerning questions which by international law are solely within the domestic jurisdiction of States and in particular disputes relating to the territorial status of Greece, including disputes relating to its rights of sovereignty over its ports and lines of communication.

[6] The accession of Italy is subject to the following conditions:

"I. — Seront exclus des procédures décrites dans ledit Acte:

"(*a*) les différends nés au sujet de faits ou de situations antérieurs à la présente adhésion;

Luxemburg	(A)	September 15th, 1930.
Netherlands	(B)	August 8th, 1930.
New Zealand	(A)	May 21st, 1931 [1].
Norway	(A)	June 11th, 1930 [2].
Peru	(A)	November 21st, 1931 [3].
Spain	(A)	September 16th, 1930 [4].
Sweden	(B)	May 13th, 1929.

117.—CONVENTION DE CONCILIATION, D'ARBITRAGE ET DE RÈGLEMENT JUDICIAIRE ENTRE LA BELGIQUE ET LA GRÈCE.

Athènes, 25 juin 1929.

(*Ratifications échangées à Bruxelles le* 4 *novembre* 1930.)

120.—TRAITÉ DE CONCILIATION, D'ARBITRAGE ET DE RÈGLEMENT JUDICIAIRE ENTRE LE LUXEMBOURG ET LE PORTUGAL.

Luxembourg, 15 août 1929.

(*Ratifications échangées à Bruxelles le* 10 *avril* 1931.)

149.—CONVENTION ENTRE L'ISLANDE ET LA SUÈDE CONCERNANT LE RÈGLEMENT PACIFIQUE DES DIFFÉRENDS.

Tingvellir, 27 juin 1930.

(*Ratifications échangées à Stockholm le* 10 *février* 1932.)

"*b*) les différends portant sur des questions que le droit international laisse à la compétence exclusive des États ;

"*c*) les différends touchant aux relations entre l'Italie et une tierce Puissance.

"II. — Il est entendu que, par application de l'article 29 dudit Acte, les différends pour la solution desquels une procédure spéciale serait prévue par d'autres conventions, seront réglés conformément aux dispositions de ces conventions ; et qu'en particulier les différends qui seraient soumis au Conseil ou à l'Assemblée de la Société des Nations en vertu d'une des dispositions du Pacte, seront réglés conformément à ces dispositions.

"III. — Il est entendu, d'autre part, qu'il n'est pas dérogé par la présente adhésion à l'adhésion de l'Italie au Statut de la Cour permanente de Justice internationale et à la clause de ce Statut concernant la juridiction obligatoire de la Cour."

[1] The accession is subject, *mutatis mutandis*, to the same conditions as the accession of Australia.

[2] Norway acceeded, on June 11th, 1929, to Chapters I, II and IV, and acceeded, on June 11th, 1930, to Chapter III of the General Act.

[3] The accession of Peru is subject to reservation (*b*), provided for in Article 39, paragraph 2, of the General Act.

[4] The accession of Spain is subject to reservations (*a*) and (*b*) provided for in Article 39, paragraph 2, of the General Act.

157.—TRAITÉ DE RÈGLEMENT JUDICIAIRE, D'ARBITRAGE ET DE CONCILIATION ENTRE LES PAYS-BAS ET LA YOUGOSLAVIE.

La Haye, 11 mars 1931.

(*Ratifications échangées à La Haye le 2 avril* 1932.)

167.—CONVENTION CONCERNING UNEMPLOYMENT
adopted by the International Labour Conference.
Washington, November 28th, 1919.

Ratifications (cont.) :

Netherlands	February 6th, 1932.

168.—CONVENTION CONCERNING THE EMPLOYMENT OF WOMEN DURING THE NIGHT
adopted by the International Labour Conference.
Washington, November 28th, 1919.

Ratifications (cont.) :

Albania	March 17th, 1932
Portugal	May 10th, 1932 [1]

169.—CONVENTION CONCERNING THE MINIMUM AGE FOR THE ADMISSION OF CHILDREN TO INDUSTRIAL EMPLOYMENT
adopted by the International Labour Conference.
Washington, November 28th, 1919.

Ratifications (cont.) :

Albania	March 17th, 1932

170.—CONVENTION CONCERNING THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY
adopted by the International Labour Conference.
Washington, November 28th, 1919.

Ratifications (cont.) :

Albania	March 17th, 1932
Hungary	April 19th, 1928
Portugal	May 10th, 1932 [1]

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[1] The ratification does not apply to the Portuguese colonies.

178.—CONVENTION CONCERNING THE MIMIMUM AGE FOR ADMISSION OF YOUNG PERSONS TO EMPLOYMENT AS TRIMMERS OR STOKERS
adopted by the International Labour Conference.
Geneva, November 11th, 1921.

Ratifications (cont.) :

Irish Free State	July 5th, 1930

181.—CONVENTION CONCERNING THE AGE FOR ADMISSION OF CHILDREN TO EMPLOYMENT IN AGRICULTURE
adopted by the International Labour Conference.
Geneva, November 16th, 1921.

Ratifications (cont.) :

Japan	December 19th, 1923.

182.—CONVENTION CONCERNING THE APPLICATION OF WEEKLY REST IN INDUSTRIAL UNDERTAKINGS
adopted by the International Labour Conference.
Geneva, November 17th, 1921.

Ratifications (cont.) :

Sweden	December 22nd, 1931

185.—INTERNATIONAL CONVENTION RELATING TO THE SIMPLIFICATION OF CUSTOMS FORMALITIES.
Geneva, November 3rd, 1923.

Ratifications (cont.) :

Finland	May 23rd, 1928
Greece	July 6th, 1927
Siam	May 19th, 1925

190.—CONVENTION CONCERNING OPIUM.
Geneva, February 19th, 1925.

Accessions (cont.) :

Argentine	
Bolivia	April 15th, 1932 [1]
Irak	August 8th, 1931

195.—CONVENTION FOR THE SUPERVISION OF INTERNATIONAL TRADE IN ARMS AND AMMUNITION AND IN IMPLEMENTS OF WAR.
Geneva, June 17th, 1925.

Signatures (cont.) :

Norway
Yugoslavia

196.—CONVENTION CONCERNING THE SIMPLIFICATION OF THE INSPECTION OF EMIGRANTS ON BOARD SHIP *adopted by the International Labour Conference.*
Geneva, June 5th, 1926.

Ratifications (cont.) :

Albania	March 17th, 1932

199.—SLAVERY CONVENTION.
Geneva, September 25th, 1926.

Ratifications (cont.) :

Germany	March 12th, 1929

202.—CONVENTION ESTABLISHING AN INTERNATIONAL RELIEF UNION.
Geneva, July 12th, 1927.

Ratifications (cont.) :

France	April 27th, 1932
Turkey	March 10th, 1932

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[1] Under conditions.

203.—INTERNATIONAL CONVENTION FOR THE ABOLITION OF IMPORT AND EXPORT RESTRICTIONS.

Geneva, November 8th, 1927.

Signatures and accessions (cont.) :

India	
Netherlands (accession for Curaçao)	April 18th, 1932
Turkey	

207.—INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF COUNTERFEITING CURRENCY.

Geneva, April 20th, 1929.

Ratifications (cont.) :

Colombia	May 9th, 1932
Netherlands	April 30th, 1932

208.—CONVENTION CONCERNING THE MARKING OF WEIGHT ON HEAVY PACKAGES TRANSPORTED BY SHIP *adopted by the International Labour Conference.*

Geneva, June 21st, 1929.

Ratifications (cont.) :

Portugal	March 1st, 1932 [1]
Sweden	April 11th, 1932

Entry into force : The Convention came into force on March 9th, 1932, by virtue of Article 3.

209.—CONVENTION CONCERNING THE PROTECTION AGAINST ACCIDENTS OF WORKERS EMPLOYED IN LOADING OR UNLOADING SHIPS *adopted by the International Labour Conference.*

Geneva, June 21st, 1929.

Entry into force : The Convention came into force on April 1st, 1932, by virtue of Article 19.

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[1] The ratification does not apply to the Portuguese colonies.

210.—CONVENTION ON CERTAIN QUESTIONS RELATING TO THE CONFLICT OF NATIONALITY LAWS.
The Hague, April 12th, 1930.

Signatures (cont.) :

Canada

212.—PROTOCOL RELATING TO A CERTAIN CASE OF STATELESSNESS.
The Hague, April 12th, 1930.

Signatures (cont.) :

Canada

213.—SPECIAL PROTOCOL CONCERNING STATELESSNESS.
The Hague, April 12th, 1930.

Signatures (cont.) :

Belgium [1]

215.—CONVENTION CONCERNING FORCED OR COMPULSORY LABOUR *adopted by the International Labour Conference.*
Geneva, June 28th, 1930.

Ratifications (cont.) :

Denmark	February 11th, 1932
Sweden	December 22nd, 1931

Entry into force : The Convention came into force on May 1st, 1932, by virtue of Article 28.

217.—CONVENTION ESTABLISHING AN INTERNATIONAL AGRICULTURAL MORTGAGE CREDIT COMPANY.
Geneva, May 21st, 1931.

Ratifications (cont.) :

Poland	April 22nd, 1932
Roumania	February 4th, 1932

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[1] With the exception of the Belgian Congo and mandated territories.

219.—CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS.
Geneva, July 13th, 1931.

Ratifications and accessions (cont.) :

United States of America [1]	April 28th, 1932
Nicaragua (accession)	March 16th, 1932
Peru (accession)	May 20th, 1932

345.—TRAITÉ DE COMMERCE ET DE NAVIGATION ENTRE LES PAYS-BAS ET LA YOUGOSLAVIE.
Belgrade, 28 mai 1930.

(*Ratifications échangées à La Haye le 2 avril* 1932.)

347.—TRAITÉ DE COMMERCE ET DE NAVIGATION ENTRE LE DANEMARK ET LA LITHUANIE.
Kaunas, 21 juin 1930.

(*Ratifications échangées à Kaunas le* 19 *mars* 1931.)

350.—CONVENTION RESPECTING AIR TRANSPORT SERVICES BETWEEN GREECE AND THE UNITED KINGDOM.
Athens, April 17th, 1931.

(*Ratifications exchanged at Athens, April 16th,* 1932.)

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[1] Under conditions.

SECTION II.

INSTRUMENTS GOVERNING THE JURISDICTION OF THE COURT WHICH HAVE COME TO THE KNOWLEDGE OF THE REGISTRY SINCE JANUARY 31st, 1932.

FIRST PART.

CONSTITUTIONAL TEXTS
DETERMINING THE JURISDICTION OF THE COURT.

(*No new instruments.*)

SECOND PART.

INSTRUMENTS FOR THE PACIFIC SETTLEMENT OF DISPUTES AND CONCERNING THE JURISDICTION OF THE COURT.

SUMMARY.

421.

CONVENTION D'ARBITRAGE ENTRE LA FRANCE ET LA YOUGOSLAVIE

PARIS, 11 NOVEMBRE 1927 [1].

(*Ratifications échangées à Paris le 2 décembre* 1927.)

PREMIÈRE PARTIE.

Article premier. — Toutes contestations entre les Hautes Parties contractantes, de quelque nature qu'elles soient, au sujet desquelles les Parties se contesteraient réciproquement un droit, et qui n'auraient pu être réglées à l'amiable par les procédés diplomatiques ordinaires, seront soumises pour jugement soit à un tribunal arbitral, soit à la Cour permanente de Justice internationale, ainsi qu'il est prévu ci-après. Il est entendu que les contestations ci-dessus visées comprennent celles que mentionne l'article 13 du Pacte de la Société des Nations.

Cette disposition ne s'applique pas aux contestations ayant leur origine dans des faits antérieurs à la présente convention et qui appartiennent au passé.

Les contestations pour la solution desquelles une procédure spéciale est prévue par d'autres conventions en vigueur entre les Hautes Parties contractantes seront réglées conformément aux dispositions de ces conventions.

Article 2. — Avant toute procédure arbitrale ou avant toute procédure devant la Cour permanente de Justice internationale, la contestation pourra être, d'un commun accord entre les Parties, soumise à fin de conciliation à une commission internationale permanente, dite *commission permanente de conciliation*, constituée conformément à la présente convention.

Article 3. — S'il s'agit d'une contestation dont l'objet, d'après la législation intérieure de l'une des Parties, relève de la compétence des tribunaux nationaux de celles-ci, le différend ne sera soumis à la procédure prévue par la présente convention qu'après jugement passé en force de chose jugée et rendu dans des délais raisonnables, par l'autorité judiciaire nationale compétente.

Article 4. — La commission permanente de conciliation prévue à l'article 2 sera composée de cinq membres, qui seront désignés comme suit, savoir : les Hautes Parties contractantes nommeront

[1] *Société des Nations, Recueil des Traités*, vol. LXVIII (1927), p. 381.

chacune un commissaire choisi parmi leurs nationaux respectifs et désigneront, d'un commun accord, les trois autres commissaires parmi les ressortissants de tierces Puissances ; ces trois commissaires devront être de nationalités différentes et, parmi eux, les Hautes Parties contractantes désigneront le président de la commission.

Les commissaires sont nommés pour trois ans ; leur mandat est renouvelable. Ils resteront en fonction jusqu'à leur remplacement, et, dans tous les cas, jusqu'à l'achèvement de leurs travaux en cours au moment de l'expiration de leur mandat.

Il sera pourvu, dans le plus bref délai, aux vacances qui viendraient à se produire, par suite de décès, de démission ou de quelque autre empêchement, en suivant le mode fixé pour les nominations.

Article 5. — La commission permanente de conciliation sera constituée dans les trois mois qui suivront l'entrée en vigueur de la présente convention.

Si la nomination des commissaires à désigner en commun n'intervenait pas dans le délai ou, en cas de remplacement, dans les trois mois à compter de la vacance du siège, le président de la Confédération suisse sera, à défaut d'autre entente, prié de procéder aux désignations nécessaires.

Article 6. — La commission permanente de conciliation sera saisie par voie de requête adressée au président par les deux Parties agissant d'un commun accord, ou, à défaut, par l'une ou l'autre des Parties.

La requête, après avoir exposé sommairement l'objet du litige, contiendra l'invitation à la commission de procéder à toutes mesures propres à conduire à une conciliation.

Si la requête émane d'une seule des Parties, elle sera notifiée par celle-ci sans délai à la Partie adverse.

Article 7. — Dans un délai de quinze jours à partir de la date où l'une des Hautes Parties contractantes aurait porté une contestation devant la commission permanente de conciliation, chacune des Parties pourra, pour l'examen de cette contestation, remplacer son commissaire par une personne possédant une compétence spéciale dans la matière.

La Partie qui userait de ce droit en fera immédiatement la notification à l'autre Partie ; celle-ci aura, dans ce cas, la faculté d'agir de même dans un délai de quinze jours à partir de la date où la notification lui sera parvenue.

Article 8. — La commission permanente de conciliation aura pour tâche d'élucider les questions en litige, de recueillir à cette fin toutes les informations utiles par voie d'enquête ou autrement et de s'efforcer de concilier les Parties. Elle pourra, après examen de l'affaire, exposer aux Parties les termes de l'arrangement

qui lui paraîtrait convenable et leur impartir un délai pour se prononcer.

A la fin de ses travaux, la commission dressera un procès-verbal constatant, suivant le cas, soit que les Parties se sont arrangées, et s'il y a lieu, les conditions de l'arrangement, soit que les Parties n'ont pu être conciliées.

Les travaux de la commission devront, à moins que les Parties en conviennent différemment, être terminés dans le délai de six mois à compter du jour où la commission aura été saisie du litige.

Article 9. — A moins de stipulation spéciale contraire, la commission permanente de conciliation réglera elle-même sa procédure qui dans tous les cas, devra être contradictoire. En matière d'enquêtes, la commission, si elle n'en décide autrement à l'unanimité, se conformera aux dispositions du titre III (Commission internationale d'enquête) de la Convention de La Haye, du 18 octobre 1907, pour le règlement pacifique des conflits internationaux.

Article 10. — La commission permanente de conciliation se réunira, sauf accord contraire entre les Parties, au lieu désigné par son président.

Article 11. — Les travaux de la commission permanente de conciliation ne sont publiés qu'en vertu d'une décision prise par la commission avec l'assentiment des Parties.

Article 12. — Les Parties seront représentées auprès de la commission permanente de conciliation par des agents ayant mission de servir d'intermédiaires entre elles et la commission ; elles pourront, en outre, se faire assister par des conseils et experts nommés par elles à cet effet et demander l'audition de toutes personnes dont le témoignage leur paraît utile.

La commission aura, de son côté, la faculté de demander des explications orales aux agents, conseils et experts des deux Parties, ainsi qu'à toutes personnes qu'elle jugerait utile de faire comparaître avec l'assentiment de leur gouvernement.

Article 13. — Sauf disposition contraire de la présente convention, les décisions de la commission permanente de conciliation seront prises à la majorité des voix.

Article 14. — Les Hautes Parties contractantes s'engagent à faciliter les travaux de la commission permanente de conciliation et, en particulier, à lui fournir, dans la plus large mesure possible, tous documents et informations utiles, ainsi qu'à user des moyens dont elles disposent pour leur permettre de procéder sur leur territoire et selon leur législation à la citation et à l'audition de témoins ou d'experts et à des transports sur les lieux.

Article 15. — Pendant la durée des travaux de la commission permanente de conciliation, chacun des commissaires recevra une indemnité dont le montant sera arrêté, d'un commun accord, entre

les Hautes Parties contractantes qui en supporteront chacune une part égale. Les frais auxquels donnerait lieu le fonctionnement de la commission, seront également partagés par moitié.

Article 16. — A défaut de conciliation devant la commission permanente de conciliation, la contestation sera soumise d'un commun accord, par voie de compromis, soit à la Cour permanente de Justice internationale dans les conditions et suivant la procédure prévues par son Statut, soit à un tribunal arbitral dans les conditions et suivant la procédure prévues par la Convention de La Haye du 18 octobre 1907 pour le règlement pacifique des conflits internationaux.

A défaut d'accord entre les Parties sur le compromis et après un préavis d'un mois, l'une ou l'autre d'entre elles aura la faculté de porter directement par voie de requête la contestation devant la Cour permanente de Justice internationale.

PARTIE II.

Article 17. — Toutes les questions sur lesquelles les gouvernements des deux Hautes Parties contractantes seraient divisés sans pouvoir les résoudre à l'amiable par les procédés diplomatiques ordinaires, dont la solution ne pourrait être recherchée par un jugement, ainsi qu'il est prévu par l'article premier de la présente convention et pour lesquelles une procédure de règlement ne serait pas déjà prévue par un traité en vigueur entre les Parties, seront soumises à la *commission permanente de conciliation*, qui sera chargée de proposer aux Parties une solution acceptable, et, dans tous les cas, de présenter un rapport.

La procédure prévue par les articles 6 à 15 de la présente convention sera appliquée.

Article 18. — Si, dans le mois qui suivra la clôture des travaux de la commission permanente de conciliation, les deux Parties ne se sont pas entendues, la question sera, à la requête de l'une ou de l'autre Partie, portée devant le Conseil de la Société des Nations.

DISPOSITIONS GÉNÉRALES.

Article 19. — Dans tous les cas, et notamment si la question au sujet de laquelle les Parties sont divisées, résulte d'actes déjà effectués ou sur le point de l'être, la commission de conciliation ou, si celle-ci ne s'en trouvait pas saisie, le tribunal arbitral ou la Cour permanente de Justice internationale statuant conformément à l'article 41 de son Statut, indiqueront dans le plus bref délai possible quelles mesures provisoires doivent être prises. Il appartiendra au Conseil de la Société des Nations, s'il est saisi de la

question, de pourvoir de même à des mesures provisoires appropriées. Chacune des Hautes Parties contractantes s'engage à s'y conformer, à s'abstenir de toute mesure susceptible d'avoir une répercussion préjudiciable à l'exécution de la décision ou aux arrangements proposés par la commission de conciliation, et, en général, à ne procéder à aucun acte, de quelque nature qu'il soit, susceptible d'aggraver ou d'étendre le différend.

Article 20. — La présente convention reste applicable entre les Hautes Parties contractantes, encore que d'autres Puissances aient également un intérêt dans le différend.

Article 21. — La présente convention sera ratifiée. Les ratifications en seront déposées à Genève, à la Société des Nations, en même temps que les ratifications du Traité conclu en date de ce jour entre la France et le Royaume des Serbes, Croates et Slovènes.

Elle entrera et demeurera en vigueur dans les mêmes conditions que ledit traité.

422.

TRAITÉ DE CONCILIATION, D'ARBITRAGE ET DE RÈGLEMENT JUDICIAIRE ENTRE LA BULGARIE ET LA NORVÈGE

SOFIA, 26 NOVEMBRE 1931 [1].

CHAPITRE I. — DU RÈGLEMENT PACIFIQUE EN GÉNÉRAL.

Article premier. — Les différends de toute nature qui viendraient à s'élever entre les Hautes Parties contractantes et qui n'auraient pu être résolus par la voie diplomatique seront soumis, dans les conditions fixées par le présent traité, à un règlement judiciaire ou arbitral, précédé, selon le cas, obligatoirement ou facultativement d'un recours à la procédure de conciliation.

Article 2. — Les différends pour la solution desquels une procédure spéciale serait prévue par d'autres conventions en vigueur entre les Hautes Parties contractantes, seront réglés conformément aux dispositions de ces conventions. Toutefois, si une solution du différend n'intervenait pas par application de cette procédure, les dispositions du présent traité relatives à la procédure arbitrale ou au règlement judiciaire recevraient application.

[1] Communication du Gouvernement norvégien.

Article 3. — 1. S'il s'agit d'un différend dont l'objet, d'après la législation intérieure de l'une des Hautes Parties contractantes, relève de la compétence des autorités judiciaires ou administratives, cette Partie pourra s'opposer à ce que ce différend soit soumis aux diverses procédures prévues par le présent traité avant qu'une décision définitive ait été rendue dans des délais raisonnables par l'autorité compétente.

2. La Partie qui, dans ce cas, voudra recourir aux procédures prévues par le présent traité, devra notifier à l'autre Partie son intention dans un délai d'un an, à partir de la décision susvisée.

CHAPITRE II. — DU RÈGLEMENT JUDICIAIRE.

Article 4. — Tous différends au sujet desquels les Parties se contesteraient réciproquement un droit seront soumis pour jugement à la Cour permanente de Justice internationale, à moins que les Parties ne tombent d'accord, dans les termes prévus ci-après, pour recourir à un tribunal arbitral.

Il est entendu que les différends ci-dessus visés comprennent notamment ceux que mentionne l'article 36 du Statut de la Cour permanente de Justice internationale.

Article 5. — Si les Parties sont d'accord pour soumettre les différends visés à l'article précédent à un tribunal arbitral, elles rédigeront un compromis dans lequel elles fixeront l'objet du litige, le choix des arbitres et la procédure à suivre. A défaut d'indications ou de précisions suffisantes dans le compromis, il sera fait application, dans la mesure nécessaire, des dispositions de la Convention de La Haye du 18 octobre 1907 pour le règlement pacifique des conflits internationaux. Dans le silence du compromis quant aux règles de fond à appliquer par les arbitres, le tribunal appliquera les règles de fond énumérées dans l'article 38 du Statut de la Cour permanente de Justice internationale.

Article 6. — A défaut d'accord entre les Parties sur le compromis visé à l'article précédent ou à défaut de désignation d'arbitres et après un préavis de trois mois, l'une ou l'autre d'entre elles aura la faculté de porter directement, par voie de requête, le différend devant la Cour permanente de Justice internationale.

Article 7. — 1. Pour les différends prévus à l'article 4, avant toute procédure devant la Cour permanente de Justice internationale ou avant toute procédure arbitrale, les Parties pourront, d'un commun accord, recourir à la procédure de conciliation prévue par le présent traité.

2. En cas de recours à la conciliation et d'échec de cette procédure, aucune des Parties ne pourra porter le différend devant

la Cour permanente de Justice internationale ou demander la constitution du tribunal arbitral visé à l'article 5 avant l'expiration du délai d'un mois à compter de la clôture des travaux de la commission de conciliation.

CHAPITRE III. — DE LA CONCILIATION.

Article 8. — Tous différends entre les Parties, autres que ceux prévus à l'article 4, seront soumis obligatoirement à une procédure de conciliation avant de pouvoir faire l'objet d'un règlement arbitral.

Article 9. — Les différends visés à l'article précédent seront portés devant une commission de conciliation permanente ou spéciale constituée par les Parties.

Article 10. — Sur la demande adressée par une des Hautes Parties contractantes à l'autre Partie, il devra être constitué, dans les six mois, une commission permanente de conciliation.

Article 11. — Sauf accord contraire des Parties, la commission de conciliation sera constituée comme suit :

1. La commission comprendra trois membres. Les Hautes Parties contractantes en nommeront chacune un qui pourra être choisi parmi leurs nationaux respectifs. Le troisième commissaire sera choisi d'un commun accord parmi les ressortissants d'une tierce Puissance. Ce dernier ne pourra avoir sa résidence habituelle sur le territoire des Parties, ni se trouver à leur service. Il assumera la présidence de la commission.

2. Les commissaires seront nommés pour trois ans. Ils seront rééligibles. Le commissaire nommé en commun pourra être remplacé, au cours de son mandat, de l'accord des Parties. Chacune des Hautes Parties contractantes pourra toujours, d'autre part, procéder au remplacement du commissaire nommé par elle. Nonobstant leur remplacement, les commissaires resteront en fonctions pour l'achèvement de leurs travaux en cours.

3. Il sera pourvu, dans le plus bref délai, aux vacances qui viendraient à se produire par suite de décès ou de démission, ou de quelque autre empêchement, en suivant le mode fixé pour les nominations.

Article 12. — Si, lorsqu'il s'élève un différend, il n'existe pas une commission permanente de conciliation nommée par les Parties, une commission spéciale sera constituée pour l'examen du différend dans un délai de trois mois à compter de la demande adressée par l'une des Parties à l'autre. Les nominations se feront conformément aux dispositions de l'article précédent, à moins que les Parties n'en décident autrement.

Article 13. — Si la nomination du commissaire à désigner en commun n'intervient pas dans les délais prévus aux articles 10 et 12, le soin de procéder à sa nomination sera confié au président en exercice du Conseil de la Société des Nations.

Article 14. — 1. La commission de conciliation sera saisie par voie de requête adressée au président par les deux Parties agissant d'un commun accord ou, à défaut, par l'une ou l'autre des Parties.

2. La requête, après avoir exposé sommairement l'objet du litige, contiendra l'invitation à la commission de procéder à toutes mesures propres à conduire à une conciliation.

3. Si la requête émane d'une seule des Parties, elle sera notifiée par celle-ci sans délai à l'autre Partie.

Article 15. — 1. Dans un délai de quinze jours à partir de la date où l'une des Parties aura porté un différend devant une commission permanente de conciliation, chacune des Parties pourra, pour l'examen de ce différend, remplacer son commissaire par une personne possédant une compétence spéciale dans la matière.

2. La Partie qui usera de ce droit en fera immédiatement la notification à l'autre Partie ; celle-ci aura, dans ce cas, la faculté d'agir de même dans un délai de quinze jours à compter de la date où la notification lui sera parvenue.

Article 16. — 1. La commission de conciliation se réunira, sauf accord contraire des Parties, au siège de la Société des Nations ou en tout autre lieu désigné par son président.

2. La commission pourra, en toute circonstance, demander au Secrétaire général de la Société des Nations de prêter son assistance à ses travaux.

Article 17. — Les travaux de la commission de conciliation ne seront publics qu'en vertu d'une décision prise par la commission avec l'assentiment des Parties.

Article 18. — 1. Sauf accord contraire des Parties, la commission de conciliation réglera elle-même sa procédure qui, dans tous les cas, devra être contradictoire. En matière d'enquête, la commission, si elle n'en décide autrement à l'unanimité, se conformera aux dispositions du titre III de la Convention de La Haye du 18 octobre 1907 pour le règlement pacifique des conflits internationaux.

2. Les Parties seront représentées auprès de la commission de conciliation par des agents ayant mission de servir d'intermédiaire entre elles et la commission ; elles pourront, en outre, se faire assister par des conseils et experts nommés par elles à cet effet et demander l'audition de toutes personnes dont le témoignage leur paraîtrait utile.

3. La commission aura, de son côté, la faculté de demander des explications orales aux agents, conseils et experts des deux Parties,

ainsi qu'à toutes personnes qu'elle jugerait utile de faire comparaître avec l'assentiment de leur gouvernement.

Article 19. — Sauf accord contraire des Parties, les décisions de la commission de conciliation seront prises à la majorité des voix, et la commission ne pourra se prononcer sur le fond du différend que si tous ses membres sont présents.

Article 20. — Les Parties s'engagent à faciliter les travaux de la commission de conciliation, et, en particulier, à lui fournir dans la plus large mesure possible tous documents et informations utiles, ainsi qu'à user des moyens dont elles disposent pour lui permettre de procéder sur leur territoire et selon leur législation à la citation et à l'audition de témoins ou d'experts et à des transports sur les lieux.

Article 21. — 1. Pendant la durée de leurs travaux, chacun des commissaires recevra une indemnité dont le montant sera arrêté du commun accord des Parties, qui en supporteront chacune une part égale.

2. Les frais généraux occasionnés par le fonctionnement de la commission seront répartis de la même façon.

Article 22. — 1. La commission de conciliation aura pour tâche d'élucider les questions en litige, de recueillir à cette fin toutes les informations utiles, par voie d'enquête ou autrement, et de s'efforcer de concilier les Parties. Elle pourra, après examen de l'affaire, exposer aux Parties les termes de l'arrangement qui lui paraîtrait convenable et leur impartir un délai pour se prononcer.

2. A la fin de ses travaux, la commission dressera un procès-verbal constatant, suivant le cas, soit que les Parties se sont arrangées et, s'il y a lieu, les conditions de l'arrangement, soit que les Parties n'ont pu être conciliées. Le procès-verbal ne mentionnera pas si les décisions de la commission ont été prises à l'unanimité ou à la majorité.

3. Les travaux de la commission devront, à moins que les Parties n'en conviennent autrement, être terminés dans un délai de six mois à compter du jour où la commission aura été saisie du différend.

Article 23. — Le procès-verbal de la commission sera porté sans délai à la connaissance des Parties. Il appartient aux Parties d'en décider la publication.

CHAPITRE IV. — DU RÈGLEMENT ARBITRAL.

Article 24. — Si, dans le mois qui suivra la clôture des travaux de la commission de conciliation visée dans les articles précédents, les Parties ne se sont pas entendues, la question sera portée devant

un tribunal arbitral constitué, sauf accord contraire des Parties, de la manière indiquée ci-après.

Article 25. — Le tribunal arbitral comprendra trois membres. Les Parties en nommeront chacune un qui pourra être choisi parmi leurs nationaux respectifs. Le surarbitre sera choisi d'un commun accord parmi les ressortissants d'une tierce Puissance. Il ne pourra avoir sa résidence habituelle sur le territoire des Parties, ni se trouver à leur service.

Article 26. — Si, dans un délai de trois mois, les Parties n'ont pu tomber d'accord sur le choix du surarbitre, sa nomination sera faite par le Président de la Cour permanente de Justice internationale. Si celui-ci est empêché ou s'il est ressortissant de l'une des Parties, la nomination sera faite par le Vice-Président. Si celui-ci est empêché ou s'il est ressortissant de l'une des Parties, la nomination sera faite par le membre le plus âgé de la Cour qui n'est ressortissant d'aucune des Parties.

Article 27. — Il sera pourvu, dans le plus bref délai, aux vacances qui viendraient à se produire par suite de décès ou de démission, ou de quelque autre empêchement, en suivant le mode fixé pour les nominations.

Article 28. — Les Parties rédigeront un compromis déterminant l'objet du litige et la procédure à suivre.

Article 29. — A défaut d'indications ou de précisions suffisantes dans le compromis relativement aux points indiqués dans l'article précédent, il sera fait application, dans la mesure nécessaire, des dispositions de la Convention de La Haye du 18 octobre 1907 pour le règlement pacifique des conflits internationaux.

Article 30. — Faute de conclusion d'un compromis dans un délai de trois mois à partir de la constitution du tribunal, celui-ci sera saisi par requête de l'une ou de l'autre des Parties.

Article 31. — Dans le silence du compromis ou à défaut de compromis, le tribunal appliquera les règles de fond énumérées dans l'article 38 du Statut de la Cour permanente de Justice internationale. En tant qu'il n'existe pas de pareilles règles applicables au différend, le tribunal jugera *ex æquo et bono*.

CHAPITRE V. — DISPOSITIONS GÉNÉRALES.

Article 32. — 1. Dans tous les cas où le différend fait l'objet d'une procédure arbitrale ou judiciaire, notamment si la question au sujet de laquelle les Parties sont divisées résulte d'actes déjà effectués ou sur le point de l'être, la Cour permanente de Justice internationale, statuant conformément à l'article 41 de son Statut,

ou le tribunal arbitral indiquera dans le plus bref délai possible les mesures provisoires qui doivent être prises. Les Parties seront tenues de s'y conformer.

2. Si la commission de conciliation se trouve saisie du différend, elle pourra recommander aux Parties les mesures provisoires qu'elle estimera utiles.

3. Les Parties s'engagent à s'abstenir de toute mesure susceptible d'avoir une répercussion préjudiciable à l'exécution de la décision judiciaire ou arbitrale ou aux arrangements proposés par la commission de conciliation et, en général, à ne procéder à aucun acte, de quelque nature qu'il soit, susceptible d'aggraver ou d'étendre le différend.

Article 33. — Si la sentence judiciaire ou arbitrale déclarait qu'une décision prise ou une mesure ordonnée par une autorité judiciaire ou toute autre autorité de l'une des Parties en litige se trouve entièrement ou partiellement en opposition avec le droit international, et si le droit constitutionnel de ladite Partie ne permettait pas ou ne permettait qu'imparfaitement d'effacer les conséquences de cette décision ou de cette mesure, les Hautes Parties contractantes conviennent qu'il devra être accordé, par la sentence judiciaire ou arbitrale, à la Partie lésée une satisfaction équitable.

Article 34. — 1. Le présent traité sera applicable entre les Hautes Parties contractantes encore qu'une tierce Puissance ait un intérêt dans le différend.

2. Dans la procédure de conciliation, les Parties pourront, d'un commun accord, inviter une tierce Puissance.

3. Dans la procédure judiciaire ou arbitrale, si une tierce Puissance estime que, dans un différend, un intérêt d'ordre juridique est pour elle en cause, elle peut adresser à la Cour permanente de Justice internationale ou au tribunal arbitral une requête à fin d'intervention.

La Cour ou le tribunal décide.

4. Lorsqu'il s'agit de l'interprétation d'une convention à laquelle auront participé d'autres États que les Parties en cause, le Greffe de la Cour permanente de Justice internationale ou le tribunal arbitral les avertit sans délai.

Chacun d'eux aura le droit d'intervenir et, s'il exerce cette faculté, l'interprétation contenue dans la sentence est obligatoire à son égard.

Article 35. — Les différends relatifs à l'interprétation ou à l'application du présent traité, y compris ceux relatifs à la qualification des litiges, seront soumis à la Cour permanente de Justice internationale.

Article 36. — Le présent traité, conforme au Pacte de la Société des Nations, ne sera pas interprété comme restreignant la

mission de celle-ci de prendre, à tout moment, les mesures propres à sauvegarder efficacement la paix du monde.

Article 37. — 1. Le présent traité sera ratifié et l'échange des ratifications aura lieu à Sofia.

Il sera enregistré au Secrétariat de la Société des Nations.

2. Le traité est conclu pour une durée de cinq ans à compter de la date de l'échange des ratifications.

3. S'il n'est pas dénoncé six mois au moins avant l'expiration de ce temps, il demeurera en vigueur pour une nouvelle période de cinq ans et ainsi de suite.

Nonobstant la dénonciation par l'une des Parties contractantes, les procédures engagées au moment de l'expiration du terme du traité continueront jusqu'à leur achèvement normal.

423.

TRAITÉ DE CONCILIATION, D'ARBITRAGE ET DE RÈGLEMENT JUDICIAIRE ENTRE LE LUXEMBOURG ET LA NORVÈGE

GENÈVE, 12 FÉVRIER 1932 [1].

Article premier. — Les Hautes Parties contractantes s'engagent réciproquement à régler, dans tous les cas, par voie pacifique et d'après les méthodes prévues par le présent traité, tous les litiges et conflits, de quelque nature qu'ils soient, qui viendraient à s'élever entre la Norvège et le Grand-Duché de Luxembourg et qui n'auraient pu être résolus par les procédés diplomatiques ordinaires.

Article 2. — 1. Toutes contestations entre les Hautes Parties contractantes, quelle qu'en soit la nature et quelle qu'en soit l'origine et qui n'auraient pu être réglées à l'amiable par les procédés diplomatiques ordinaires, seront soumises pour jugement, soit au tribunal arbitral, soit à la Cour permanente de Justice internationale, ainsi qu'il est prévu ci-après.

2. Les contestations pour la solution desquelles une procédure spéciale est prévue par d'autres conventions en vigueur entre les Hautes Parties contractantes seront réglées conformément aux dispositions de ces conventions.

Article 3. — Avant toute procédure arbitrale ou avant toute procédure devant la Cour permanente de Justice internationale, la

[1] Communication du Gouvernement norvégien.

contestation sera, si une seule Partie le demande, soumise à fin de conciliation à une commission internationale permanente, dite « commission permanente de conciliation », constituée conformément au présent traité.

Article 4. — S'il s'agit d'une contestation dont l'objet, d'après la législation intérieure de l'une des Parties, relève de la compétence des tribunaux nationaux de celle-ci, le différend ne sera soumis à la procédure prévue par le présent traité qu'après jugement passé en force de chose jugée et rendu dans des délais raisonnables par l'autorité judiciaire nationale compétente.

Article 5. — 1. La commission permanente de conciliation prévue à l'article 3 sera composée de cinq membres, qui seront désignés comme il suit, savoir : les Hautes Parties contractantes nommeront chacune un commissaire choisi parmi leurs nationaux respectifs et désigneront, d'un commun accord, les trois autres commissaires parmi les ressortissants de tierces Puissances. Ces derniers devront être de nationalité différente, ne pas avoir leur résidence habituelle sur le territoire des Parties, ni se trouver à leur service. Parmi eux, les Hautes Parties contractantes désigneront le président de la commission.

2. Les commissaires sont nommés pour trois ans ; leur mandat est renouvelable. Ils resteront en fonctions jusqu'à leur remplacement, et, dans tous les cas, jusqu'à l'achèvement de leurs travaux en cours au moment de l'expiration de leur mandat.

3. Il sera pourvu dans le plus bref délai aux vacances qui viendraient à se produire par suite de décès, de démission ou de quelque autre empêchement, en suivant le mode fixé pour les nominations.

Article 6. — 1. La commission permanente de conciliation sera constituée dans les trois mois qui suivront l'entrée en vigueur du présent traité.

2. Si la nomination des membres de la commission permanente n'intervenait pas dans ce délai ou, en cas de remplacement, dans les trois mois à compter de la vacance du siège, les nominations seront effectuées, à la demande d'une seule des Parties, par le Président de la Cour permanente de Justice internationale ou, si celui-ci est ressortissant de l'un des États contractants, par le Vice-Président ou, si celui-ci se trouve dans le même cas, par le membre le plus âgé de la Cour.

Article 7. — 1. La commission permanente de conciliation sera saisie par voie de requête adressée au président par les deux Parties agissant d'un commun accord ou, à défaut, par l'une ou l'autre des Parties.

2. La requête, après avoir exposé sommairement l'objet du litige, contiendra l'invitation à la commission de procéder à toutes mesures propres à conduire à une conciliation.

3. Si la requête émane d'une seule des Parties, elle sera notifiée par celle-ci sans délai à la Partie adverse.

Article 8. — 1. Dans un délai de quinze jours à partir de la date où la commission permanente de conciliation aura été saisie de la contestation, chacune des Parties pourra, pour l'examen de cette contestation, remplacer son commissaire par une personne possédant une compétence spéciale dans la matière.

2. La Partie qui userait de ce droit en fera immédiatement la notification à l'autre Partie ; celle-ci aura, dans ce cas, la faculté d'agir de même dans un délai de quinze jours à partir de la date où la notification lui sera parvenue.

Article 9. — 1. La commission permanente de conciliation aura pour tâche d'élucider les questions en litige, de recueillir à cette fin toutes les informations utiles par voie d'enquête ou autrement et de s'efforcer de concilier les Parties. Elle pourra, après examen de l'affaire, exposer aux Parties les termes de l'arrangement qui lui paraîtrait convenable et leur impartir un délai pour se prononcer.

2. A la fin de ses travaux, la commission dresse un procès-verbal constatant, suivant le cas, soit que les Parties se sont arrangées, et, s'il y a lieu, les conditions de l'arrangement, soit que les Parties n'ont pu être conciliées.

3. Les travaux de la commission devront, à moins que les Parties ne conviennent différemment, être terminés dans le délai de six mois à compter du jour où la commission aura été saisie du litige.

Article 10. — A moins de stipulation spéciale contraire, la commission permanente de conciliation réglera elle-même sa procédure qui, dans tous les cas, devra être contradictoire. En matière d'enquêtes, la commission, si elle n'en décide autrement à l'unanimité, se conformera aux dispositions du titre III (Des Commissions internationales d'enquête) de la Convention de La Haye du 18 octobre 1907 pour le règlement pacifique des conflits internationaux.

Article 11. — La commission permanente de conciliation se réunira, sauf accord contraire entre les Parties, au lieu désigné par son président.

Article 12. — Les travaux de la commission permanente de conciliation ne sont publics qu'en vertu d'une décision prise par la commission avec l'assentiment des Parties.

Article 13. — 1. Les Parties seront représentées auprès de la commission permanente de conciliation par des agents ayant mission de servir d'intermédiaire entre elles et la commission. Elles pourront, en outre, se faire assister par des conseils et experts nommés par elles à cet effet et demander l'audition de toutes personnes dont le témoignage leur paraît utile.

2. La commission aura, de son côté, la faculté de demander des explications orales aux agents, conseils et experts des deux Parties, ainsi qu'à toutes personnes qu'elle jugerait utile de faire comparaître avec l'assentiment de leur gouvernement.

Article 14. — Sauf disposition contraire du présent traité, les décisions de la commission permanente de conciliation seront prises à la majorité des voix.

Article 15. — Les Hautes Parties contractantes s'engagent à faciliter les travaux de la commission permanente de conciliation et, en particulier, à lui fournir dans la plus large mesure possible, tous documents et informations utiles, ainsi qu'à user des moyens dont elles disposent pour lui permettre de procéder sur leur territoire et selon leur législation à la citation et à l'audition de témoins ou d'experts et à des transports sur les lieux.

Article 16. — Pendant la durée des travaux de la commission permanente de conciliation, chacun des commissaires recevra une indemnité dont le montant sera arrêté, d'un commun accord, entre les Hautes Parties contractantes, qui en supporteront chacune une part égale. Les frais auxquels donnerait lieu le fonctionnement de la commission seront également partagés par moitié.

Article 17. — 1. Si les Parties sont d'accord pour soumettre le différend directement à l'arbitrage ou si les Parties n'ont pu arriver à la conciliation de leurs intérêts en exécution de la procédure de conciliation prévue au présent traité, la contestation sera soumise d'un commun accord par voie de compromis, soit à la Cour permanente de Justice internationale, dans les conditions et suivant la procédure prévues par son Statut, soit à un tribunal arbitral, dans les conditions et suivant la procédure prévues par la Convention de La Haye du 18 octobre 1907 pour le règlement pacifique des conflits internationaux.

2. A défaut d'accord entre les Parties sur le compromis et après un préavis d'un mois, l'une ou l'autre d'entre elles aura la faculté de porter directement par voie de requête la contestation devant la Cour permanente de Justice internationale.

Article 18. — 1. Dans le silence du compromis ou à défaut de compromis, le tribunal arbitral ou la Cour permanente de Justice internationale appliqueront les principes de droit indiqués notamment dans l'article 38 du Statut de la Cour permanente de Justice internationale.

2. Dans le cas où, de l'avis de la Cour ou du tribunal arbitral, le différend ne serait pas d'ordre juridique, la Cour ou le tribunal auront les pouvoirs d'amiables compositeurs et dicteront un règlement obligatoire pour les Parties.

Article 19. — Si, à la suite d'une instance arbitrale, l'une des Parties prétend que la décision des arbitres est entachée de nullité,

elle pourra, à défaut d'autre accord entre les Parties et dans les quarante jours de la date de la décision arguée de nullité, soumettre ce nouveau différend à la Cour permanente de Justice internationale, dont l'arrêt sera obtenu et rendu suivant les règles ordinaires de la procédure en vigueur devant cette Cour.

Article 20. — 1. La Cour ou toute autre instance qui en serait saisie détermine si et dans quelle mesure la décision attaquée est entachée d'un vice affectant sa validité, et elle détermine dans quelle mesure ladite décision est dénuée de force obligatoire.

2. De même seront déterminés les points sur lesquels la procédure arbitrale ou judiciaire devra être reprise en vue d'une décision sur le fond. Il pourra être décidé qu'eu égard à la nullité partielle d'une sentence, la procédure de fond devra être reprise dans l'intégralité des demandes des deux Parties.

3. Si, dans un délai de trois mois à partir de la publication du jugement sur la procédure de nullité, les Parties ne se sont pas mis d'accord pour conclure un nouveau compromis, chacune d'elles pourra par requête saisir la Cour permanente de Justice internationale du fond de l'affaire.

Article 21. — Dans tous les cas et notamment si la question au sujet de laquelle les Parties sont divisées résulte d'actes déjà effectués ou sur le point de l'être, la commission de conciliation ou, si celle-ci ne s'en trouvait plus saisie, le tribunal arbitral ou la Cour permanente de Justice internationale statuant conformément à l'article 41 de son Statut, indiqueront, s'il y a lieu, et dans le plus bref délai possible, quelles mesures provisoires doivent être prises ; chacune des Hautes Parties contractantes s'engage à s'y conformer, et à s'abstenir de toute mesure susceptible d'aggraver ou d'étendre le différend.

Article 22. — Le présent traité reste applicable entre les Hautes Parties contractantes encore que d'autres Puissances aient également intérêt dans le différend.

Article 23. — Le présent traité sera communiqué pour enregistrement à la Société des Nations, conformément à l'article 18 du Pacte.

Article 24. — 1. Le présent traité sera ratifié. Les ratifications en seront échangées à Genève.

2. Il entrera en vigueur dès l'échange des ratifications. Il aura une durée de dix ans à compter de son entrée en vigueur. S'il n'est pas dénoncé six mois avant l'expiration de ce délai, il sera considéré comme renouvelé pour une période de cinq années et ainsi de suite.

3. Si, lors de l'expiration du présent traité, une procédure quelconque en vertu de ce traité se trouvait pendante devant la commission permanente de conciliation, devant un tribunal d'arbitrage ou devant la Cour permanente de Justice internationale, cette procédure serait poursuivie jusqu'à son achèvement.

THIRD PART.

VARIOUS INSTRUMENTS PROVIDING FOR THE JURISDICTION OF THE COURT.

SUMMARY

424.

CONVENTION COMMERCIALE ENTRE CUBA ET LA FRANCE

PARIS, 6 NOVEMBRE 1929 [1].

(*Ratifications échangées à Paris le* 31 *mars* 1931.)

Article 11. — Tout différend touchant l'interprétation ou l'application de la présente convention qui ne pourrait être réglé entre les Hautes Parties contractantes par la voie diplomatique sera soumis à la Cour permanente de Justice internationale.

425.

CONVENTION RELATIVE A L'EXPLOITATION DES LIGNES AÉRIENNES COMMERCIALES ENTRE LA FRANCE ET LA POLOGNE

VARSOVIE, 2 AOÛT 1930 [2].

(*Ratifications échangées à Paris le* 18 *février* 1931.)

Article XI. — Les différends qui viendraient à s'élever entre les Hautes Parties contractantes sur l'interprétation de la présente convention et qui n'auraient pu être résolus par voie diplomatique seront soumis, d'un commun accord, par voie d'un compromis, soit à la Cour permanente de Justice internationale dans les conditions et suivant la procédure prévue par son Statut, soit, si l'une des deux Hautes Parties contractantes le demande, à un tribunal arbitral, dans les conditions et suivant la procédure prévues par la Convention de La Haye du 18 octobre 1907, pour le règlement pacifique des conflits internationaux.

Dans les cas où, en application du présent article, les Hautes Parties contractantes auraient recours à la Cour permanente de Justice internationale, celle-ci statuera en procédure sommaire et dans le plus bref délai possible.

[1] *Société des Nations, Recueil des Traités*, vol. CXIV (1931-1932), p. 345.
[2] *Op. cit.*, p. 93.

426.

CONVENTION DE COMMERCE ET DE NAVIGATION ENTRE LA GRÈCE ET LA ROUMANIE

BUCAREST, 11 AOÛT 1931 [1].

Article 27. — Les différends qui viendraient à s'élever entre les Hautes Parties contractantes sur l'interprétation ou l'application de la présente convention et qui n'auraient pu être résolus par la voie diplomatique, seront soumis à l'arbitrage, conformément à la procédure instituée par le Pacte de non-agression et d'arbitrage entre la Grèce et la Roumanie, conclu à Genève le 21 mars 1928 [2].

Toutefois, les différends qui pourraient surgir sur le traitement des marchandises, des dispositions tarifaires, les questions vétérinaires et les questions de navigation et qui nécessitent une solution rapide, seront soumis, à la demande de l'une des Hautes Parties contractantes, à un tribunal arbitral, qui sera spécialement constitué pour chaque litige et qui sera composé de trois membres ainsi désignés : chaque Partie contractante nommera un arbitre et le troisième sera nommé, de commun accord, par les deux Hautes Parties contractantes ou, à défaut d'accord, par le Président de la Haute Cour permanente de Justice internationale de La Haye. Le tribunal ainsi constitué prononcera sa décision, qui aura force obligatoire dans le plus bref délai possible.

427.

CONVENTION D'ÉTABLISSEMENT ENTRE LA GRÈCE ET LA ROUMANIE

BUCAREST, 11 AOÛT 1931 [3].

Article 11. — Les différends qui viendraient à s'élever entre les Hautes Parties contractantes sur l'interprétation et l'application de la présente convention et qui n'auraient pu être résolus par la voie diplomatique seront soumis à l'arbitrage, conformément à la procédure instituée par le Pacte de non-agression et d'arbitrage entre la Roumanie et la Grèce, conclu à Genève le 21 mars 1928 [2].

[1] République hellénique, Journal officiel, 1932 (1ère partie), p. 360.
[2] Voir *Collection des Textes régissant la compétence de la Cour* (quatrième édition), n° 85, p. 275.
[3] République hellénique, Journal officiel, 1932 (1ère partie), p. 385.

FOURTH PART.

INSTRUMENTS CONFERRING UPON THE COURT OR ITS PRESIDENT AN EXTRAJUDICIAL FUNCTION

(APPOINTMENT OF UMPIRES, PRESIDENTS OF CONCILIATION COMMISSIONS, ETC.).

SUMMARY.

See also above the following instruments.

Treaty of conciliation, arbitration and judicial settlement between Bulgaria and Norway, Sofia, November 26th, 1931, Art. 26, above, p. 471.

Treaty of conciliation, arbitration and judicial settlement between Luxemburg and Norway, Geneva, February 12th, 1932, Art. 6, above, p. 474.

Convention of commerce and navigation between Greece and Roumania, Bucharest, August 11th, 1931, Art. 27, above, p. 481.

428.

TRAITÉ D'AMITIÉ ENTRE L'ESTONIE ET LA PERSE

MOSCOU, 3 OCTOBRE 1931 [1].

Article IV. — Les États contractants conviennent de soumettre à l'arbitrage tous les différends qui surgiraient entre eux à propos de l'application ou de l'interprétation des prescriptions de tous traités et conventions conclus ou à conclure, y compris le présent Traité, et qui n'auraient pu être réglés à l'amiable dans un délai raisonnable par les procédés diplomatiques ordinaires.

Cette disposition s'appliquera également en cas de besoin à la question préalable de savoir si le différend se rapporte à l'interprétation ou à l'application desdits traités et conventions.

La décision du tribunal arbitral obligera les Parties.

Pour chaque litige le tribunal arbitral sera formé sur la demande d'un des États contractants et de la façon suivante: dans le délai de trois mois à dater du dépôt de la demande, chaque État désignera son arbitre qui pourra également être choisi parmi les ressortissants d'un État tiers. Si les deux États ne s'entendent pas, dans les trois mois à dater du dépôt de la demande, sur le délai dans lequel les deux arbitres devront avoir rendu leur décision, ou si les deux arbitres ne parviennent pas à régler le litige dans le délai à eux imparti, les deux États choisiront pour tiers arbitre un ressortissant d'un État tiers. Si les États ne tombent pas d'accord sur le choix du tiers arbitre dans le délai de deux mois à dater du jour où aura été formulée la demande de la nomination d'un tiers arbitre, ils prieront en commun, ou, faute d'avoir introduit cette requête commune dans un nouveau délai de deux mois, le plus diligent d'entre eux priera le Président de la Cour permanente de Justice internationale de La Haye de nommer ce tiers arbitre parmi les ressortissants des États tiers. Du commun accord des Parties il pourra lui être remis une liste des États tiers auxquels son choix devra se resteindre. Elles se réservent de s'entendre à l'avance pour une période déterminée sur la personne du tiers arbitre.

La procédure que les deux arbitres auront à observer, si elle n'a pas été réglée dans un compromis spécial entre les deux États et conclu au plus tard lors de la désignation des arbitres, sera, sauf dispositions contraires des deux Gouvernements, réglée conformément à l'article 57 et aux articles 59 à 85 de la Convention de La Haye, du 18 octobre 1907, pour le règlement des conflits internationaux.

[1] Communication du Gouvernement estonien.

Au cas où il aurait fallu procéder à la désignation d'un tiers arbitre et à défaut d'un compromis entre les deux États contractants ayant déterminé la procédure à suivre à partir de cette désignation, le tiers arbitre se joindra aux deux premiers arbitres, et le tribunal arbitral, ainsi formé, déterminera sa procédure et réglera le différend. Toutes les décisions du tribunal arbitral seront rendues à la majorité.

TABLE OF SECTION II
(IN CHRONOLOGICAL ORDER).

ERRATA TO THE FOURTH EDITION OF THE "COLLECTION OF TEXTS GOVERNING THE JURISDICTION OF THE COURT" [1].

Page 46, insert between lines 6 and 7: "and subject to the condition that His Majesty's Government reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the proceedings in the Court, and provided also that such".

Page 67, line 3, to read: "ou *en* ayant violé".

Page 92, lines 3 and 4, to read: "une commission *permanente* de conciliation".

Page 109, add at the end of Article 13 the following paragraph: "Il appartiendra aux Parties de décider, d'un commun accord, si le rapport de la commission et le procès-verbal des débats peuvent être publiés avant l'expiration du délai dans lequel elles doivent se prononcer sur les propositions formulées dans le rapport ou, s'il s'agit d'un litige susceptible d'un règlement arbitral, avant que le tribunal arbitral ait statué définitivement."

Page 171, Article 4, line 2, to read: "sera *régie* par".

Page 206, add at end of Article 8 the following paragraph: "La Partie qui userait de ce droit en fera immédiatement la notification à l'autre Partie; celle-ci aura, dans ce cas, la faculté d'agir de même dans un délai de quinze jours à partir de la date où la notification lui sera parvenue."

Page 223, Article 3, line 6, to read: "propres *à conduire* à une conciliation".

Page 223, Article 4, line 1, to read: "aura *pour* tâche".

Page 225, No. 71, add at the end of Article 2, the following paragraph: "Si la nomination des membres à désigner en commun ou du président n'intervient pas dans les six mois à compter de l'échange des ratifications ou, en cas de retraite ou de décès, dans

[1] The fourth edition of the *Collection* contains, in addition to the errata which are given in this list, certain divergencies in regard to the texts published in the *Treaty Series* of the League of Nations. Divergencies which have not been mentioned in the list do not affect the meaning of the text. The errors and divergencies which have been noticed are due, in a very large measure, to the fact that the texts printed in the League of Nations *Collection* are not always identical with those communicated directly to the Court

les deux mois à compter de la vacance du siège, le président de la Confédération suisse sera prié, au besoin par une seule des Parties, de procéder à ces nominations."

Page 228, Article 7, paragraph 2, line 3, to read: "de toute *autre* circonstance".

Page 318, Article 19, line 6, to read: "les conséquences *de la décision* dont".

Page 467, Article 2, paragraph 2, line 3, to read: "de l'avis *d'une* des Parties".

Page 485, No. 164, line 4 of title, to read: "2 juillet 1890".

Page 486, Article 37, paragraph 3, line 2, to read: "pour désigner le surarbitre. *Si les arbitres ne peuvent se mettre d'accord, les Parties désigneront chacune un État tiers, et les États tiers ainsi désignés procéderont à la nomination du surarbitre,* soit d'un commun accord".

Page 494, line 7 at bottom (note), to read: "dans lesdites *conditions*".

Page 619, No. 340, line 1 of title, delete: "aérienne".

Pages 620, 621 *and* 677 (Nos. 341, 342 and 417), in the lists of signatories, delete the date as regards Japan.

Page 620, Article X, line 2, to read: "tribunaux arbitraux *mixtes*".

Page 621, line 3, to read: "trois mois à dater *de la notification faite à son agent* de la sentence".

Page 670, Article IV, paragraph 4, line 9, to read: "les *deux* États choisiront".

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