SERIES E.—No. 9

NINTH ANNUAL REPORT
OF THE
PERMANENT COURT OF INTERNATIONAL JUSTICE
(June 15th, 1932—June 15th, 1933)

PUBLICATIONS OF THE PERMANENT COURT
OF INTERNATIONAL JUSTICE

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A. W. SIJTHOFF'S PUBLISHING COMPANY—LEYDEN

INTRODUCTION.

The Court's Ninth Annual Report covers the period June 15th, 1932, to June 15th, 1933. Speaking generally, the plan adopted is the same as that of the preceding Reports.

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

Chapter I contains an account of the negotiations conducted between the Secretary-General of the League of Nations and the Carnegie Foundation concerning the extension of the Court's premises in the Peace Palace, and it reproduces the arrangements at present in force with regard to the installation of the Court in that building.

Chapters II and III give, *inter alia*, the position with regard to the ratification of the Protocol for the revision of the Court's Statute (pp. 54-61) and the acceptance of the Optional Clause (pp. 70-73).

The Court having decided, in 1931, to group all its decisions, whether in the form of judgments, advisory opinions or orders, in a single series (A./B.), it has seemed preferable to place the short reports of these decisions in a single chapter, in chronological order, rather than to divide them as hitherto between Chapters IV and V, according to the nature of the cases.

In consequence of this re-arrangement, the subject-matter which, in previous Reports, was placed in the Introduction to Chapters IV and V, is included in Chapter IV. Accordingly, this chapter now contains: (1) the list of the Court's sessions; (2) the table of judgments (likewise orders in the nature of judgments) and advisory opinions given by the Court, with a summary of each decision and references to the publications in which the relevant documents are printed; and (3) the table giving particulars from the General List in respect of every case which has formed the subject of a new entry since August 12th, 1932 (the latter table brings up to date the General List published in the Seventh Annual Report and supplemented by the Eighth Report). The following chapter—Chapter V—contains the short reports of judgments, orders and advisory opinions rendered by the Court since June 24th, 1932.

Chapter VI contains a digest of decisions (other than judgments, orders and advisory opinions) taken by the Court in application of the Statute and Rules during the period

1932-1933; these decisions supplement those already recorded in Chapter VI of the Third, Fourth, Fifth, Sixth, Seventh and Eighth Annual Reports. The analytical index at the end of the chapter is supplementary to that contained in the Eighth Report, and is followed by an index of articles of the Statute and another of articles of the Rules of Court, both of which cover all the digests contained in this and previous Reports.

Chapter VIII indicates the efforts made to effect economies, in particular the measures taken to reduce the budgets of 1933 and 1934.

Like that contained in the Third, Fourth, Fifth, Sixth, Seventh and Eighth 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, 1933, and also makes good certain omissions in previous lists. The two indexes to the bibliography cover all eight lists.

Chapter X constitutes the second 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 June 15th, 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. At the end of the chapter is a list (in chronological order) of instruments governing the Court's jurisdiction which, in previous Reports, was given in Chapter III.

* * *

Is 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 Chapter V, which is intended simply to give a general view of the work of the Court, cannot be quoted against the actual text of such judgments and opinions and does not constitute an interpretation thereof.

The Hague, July 1933.

Å. HAMMARSKJÖLD,
Registrar.

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CHAPTER I.

THE COURT AND REGISTRY.

I.—THE COURT.

(1) COMPOSITION OF THE COURT. (See E 7 [1], pp. 17-18.)

There has been no change in the composition of the Court since June 15th, 1932.

(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 next elections to the Presidency and Vice-Presidency will take place in the last quarter of 1933 (Rules, Art. 9).

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, MM. FROMAGEOT, DE BUSTAMANTE, ALTAMIRA, ANZILOTTI, URRUTIA, Sir CECIL HURST, MM. SCHÜCKING, NEGULESCO, Jhr. VAN EYSINGA, M. WANG.

Deputy-Judges [2]*:* MM. REDLICH, DA MATTA, NOVACOVITCH, ERICH.

(3) BIOGRAPHICAL NOTES CONCERNING THE JUDGES AND DEPUTY-JUDGES. (For biographical notes concerning the judges above mentioned, see E 7, pp. 21-41.)

(4) JUDGES "AD HOC". (Cf. E 1, 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

[1] The abbreviations E 1, E 2, etc., mean: First Annual Report, Second Annual Report, etc.

[2] Since January 1st, 1931, the deputy-judges have not been called upon to sit.

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 DOVLEH (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
Kellogg, 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, Stélio	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" (Gen. List No. 5) [1],

Mavrommatis (jurisdiction and merits) (Gen. List Nos. 10 and 12) [2],

German interests in Polish Upper Silesia (jurisdiction and merits) (Gen. List Nos. 18, 18 *bis* and 19) [3],

"Lotus" (Gen. List No. 24) [4],

Claim for indemnity in connection with the factory at Chorzów (jurisdiction and merits) (Gen. List Nos. 25 and 26) [5],

Readaptation of the Mavrommatis Jerusalem Concessions (Gen. List Nos. 27 and 28) [6],

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[1] See E 1, p. 163.
[2] ,, ,, ,,, ,, 169.
[3] ,, E 2, ,, 99.
[4] See E 4, p. 166.
[5] ,, ,, ,,, ,, 155, and E 5, p. 183.
[6] See E 4, ,, 176.

Rights of Minorities in Polish Upper Silesia (Minority schools) (Gen. List No. 31) [1],

Payment of various Serbian loans issued in France (Gen. List No. 34) [2],

Payment in gold of Brazilian Federal loans contracted in France (Gen. List No. 33) [3],

Free Zones of Upper Savoy and the District of Gex (first, second and third phases) (Gen. List No. 32) [4],

Territorial extent of the jurisdiction of the Oder Commission (Gen. List No. 36) [5],

and in the following cases for advisory opinion (Art. 71 of the Rules):

Jurisdiction of the Danzig Courts (Gen. List No. 29) [6],

Case of the Greco-Bulgarian Communities (Gen. List No. 37) [7],

Railway traffic between Lithuania and Poland (Gen. List No. 39) [8],

Access to and anchorage in the port of Danzig for Polish war vessels (Gen. List No. 44) [9],

Treatment of Polish nationals and other persons of Polish origin or speech in the territory of Danzig (Gen. List No. 42) [10],

Interpretation of the Greco-Bulgarian Agreement of December 9th, 1927 (Caphandaris-Molloff Agreement) (Gen. List No. 45) [11].

Since June 15th, 1932, the Court has had before it five contentious cases which necessitated the appointment of judges *ad hoc*. These are:

The *case concerning the interpretation of the Statute of Memel* (Gen. List Nos. 47 and 50; preliminary objection: Judgment of June 24th, 1932;—merits: Judgment of August 11th, 1932) [12]. A biographical note concerning M. 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 Eighth Annual Report (p. 28).

The case concerning *Eastern Greenland* (Gen. List No. 43; Judgment of April 5th, 1933) [13], and the case concerning *South-Eastern Greenland* (Gen. List Nos. 52 and 53; Order of August 3rd, 1932: indication of interim measures of protection [14]; Order of May 11th, 1933: removal of the case from

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[1] See E 4, p. 191.
[2] ,, E 5, ,, 205.
[3] ,, ,, ,,, ,, 216.
[4] ,, E 6, ,, 201, E 7, p. 233, and E 8, p. 191.
[5] See E 6, p. 213.
[6] ,, E 4, ,, 213.
[7] ,, E 7, ,, 245.
[8] See E 8, p. 221.
[9] ,, ,, ,,, ,, 226.
[10] ,, ,, ,,, ,, 232.
[11] ,, ,, ,,, ,, 238.
[12] ,, ,, ,,, ,, 207, and p. 122 of this volume.
[13] See p. 141.
[14] ,, ,, 119.

the list [1]). Biographical notes concerning M. Zahle and M. Vogt, appointed as judges *ad hoc* to sit in the Court for these cases by the Danish and Norwegian Governments respectively, will be found in the Eighth Annual Report (pp. 26-28).—In the second case, the judges *ad hoc* sat in the Court for the deliberation upon the application for the indication of interim measures of protection.

The case concerning an *appeal from two judgments given on December 21st, 1931, by the Hungaro-Czechoslovak Mixed Arbitral Tribunal* and the case concerning an *appeal from a judgment given on April 13th, 1932, by the Hungaro-Czechoslovak Mixed Arbitral Tribunal* (Gen. List Nos. 51 and 54 [2]). As regards these cases, at the time when the Parties discontinued proceedings, the Hungarian Government had appointed as judge *ad hoc* M. G. P. de Tomcsányi, whilst the Czechoslovak Government had not yet informed the Court of the name of the judge selected by it.

Finally, there are two contentious cases, Nos. 58 and 59 in the General List, which will become ready for hearing later, and in which judges *ad hoc* have been appointed. The first is an *appeal from a judgment given on February 3rd, 1933, by the Hungaro-Czechoslovak Mixed Arbitral Tribunal;* biographical notes concerning M. G. P. de Tomcsányi and M. Karel Hermann-Otavský, appointed as judges *ad hoc* by the Hungarian Government and the Czechoslovak Government respectively, are given below. In the second case—the *Lighthouses' case between France and Greece*—the Greek Government has appointed as judge *ad hoc* M. Sériadès; a biographical note concerning him will also be found below.

M. G. Paul de Tomcsányi.

M. de Tomcsányi was born on February 8th, 1880, at Budapest. He studied at the Universities of Budapest, Berlin and Paris, and became doctor of law and political science at the University of Budapest. After passing his examination as advocate, he was attached to the Codification Section of the Ministry of Justice. In 1918, he was appointed Counsellor at that Ministry and, shortly afterwards, Under-Secretary of State at the Ministry for Foreign Affairs and head of the Legal Department.

He was elected deputy in 1920 and appointed Minister of Justice, which post he occupied for two years. Since then, save for one brief interval, he has sat in the Hungarian Parliament.

M. de Tomcsanyi has on many occasions served as an arbitrator: he was a member of the Italo-Hungarian and Yugoslav-Hungarian Mixed Arbitral Tribunals, and is still a member of the Austro-Hungarian Arbitral Tribunal.

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[1] See p. 155.
[2] „ „ 156.

He has published several works on comparative constitutional and parliamentary law. Since 1917 he has been *privat-docent* at the University of Budapest.

M. KAREL HERMANN-OTAVSKÝ.

M. Karel Hermann-Otavský was born at Kostelec nad Černými Lesy (Czechoslovakia) on May 2nd, 1866, and became doctor of law at the Czech University at Prague in 1889. After studying at the University of Berlin, he entered the magistracy. Subsequently, he became *privat-docent* in 1892, and was, in 1897, appointed extraordinary professor and, in 1904, titular professor of commercial law at the Czech University of Prague. In 1918-1919 he was rector of that University; in 1904-1905 and 1923-1924 he was dean of the Faculty of Law.

In 1920 he was entrusted by the Czechoslovak Government with the negotiation of a convention with the French Government regarding private property, rights and interests. He took part either as governmental delegate or as expert in various congresses and conferences, concerning *inter alia* unfair competition, the protection of industrial property, the protection of literary and artistic copyrights and the unification of the law on bills of exchange, promissory notes and cheques.

M. Hermann-Otavský is President of the Scientific Commission attached to the Ministry of Justice for the reform and unification of the commercial law of Czechoslovakia. He is also President of the Prague Union of Jurists and of the Czechoslovak group of the International Literary and Artistic Association. He has published in Czech, German and French, numerous articles and monographs on commercial law and bills of exchange, copyright, industrial property, insurance law and private international law.

M. STÉLIO SÉFÉRIADÈS.

M. Stélio Séfériadès was born at Smyrna on August 1st, 1873; he graduated in law at the Faculty of Law of Aix, where he also received prizes for theses in Roman law, civil law and mercantile law; he graduated as doctor of laws of the Faculty of Law of Paris, with a thesis on the Doctrine of Causa, which was adjudged by the Faculty of Paris as the best thesis written in 1897. Practizing law at Smyrna, he was invited, as technical expert, to accompany the English, French and Russian Consuls on a mission to Samos to pacify the island and draw up a new Constitution (1912). In 1915, he was appointed extraordinary professor and, in 1920, ordinary professor of international law at the Faculty of Law of the University of Athens. He is Legal Adviser to the Ministry for Foreign Affairs and a member of the Permanent Court of Arbitration at The Hague (1920).

M. Séfériadès has been entrusted with several diplomatic missions and has been Greek delegate at several international conferences and congresses. He represented his country at the Assembly of the League of Nations in 1921, and was elected president of the sub-committee which drafted amendments to the Covenant. In 1922-1923 he was appointed Agent-General for Greece before the

Mixed Arbitral Tribunals sitting at Paris. He has been a member of the Greek Council of State since its foundation in 1929. He was dean of the Faculty of Law of Athens in 1927 and rector of the University in 1932. He has on two occasions lectured at the Academy of International Law at The Hague, in 1928 and 1930. He became an associate of the Institute of International Law in 1925 and was promoted to be member in 1932. He has published several legal works, particularly on international law.

(5) SPECIAL CHAMBERS. (See E 1, p. 55.)

Composition of the Chamber for Labour cases.

Until December 31st, 1933[1]:

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.

Until December 31st, 1933:

Members: M. Guerrero, *President,* Baron Rolin-Jaequemyns, MM. Fromageot, Anzilotti, Jhr. van Eysinga.—*Substitute Members:* Mr. Kellogg, Count Rostworowski.

Composition of the Chamber for Summary Procedure.

From January 1st to December 31st, 1933:

Members: MM. Adatci, *President,* Guerrero, Sir Cecil Hurst. *Substitute Members:* Count Rostworowski, M. Anzilotti.

From June 15th, 1932, to June 15th, 1933, no case has been brought before a Chamber of the Court.

(6) ASSESSORS. (See E 1, p. 57.)

In the Eighth Annual Report, as in previous Reports, three lists of assessors were given: the "list of assessors for labour cases" (classification by countries), the "list of assessors for transit cases" (classification by countries), and the "general list of assessors" (E 8, pp. 31, 35 and 37). The present Report contains only the "general list", which gives the names, as on June 15th, 1933, of assessors for labour cases (appointed by Members of the League of Nations and by the Governing Body of the International Labour Office)

[1] The new elections of members of the Special Chambers for the years 1934-1936 will take place in the last quarter of 1933 (Rules, Art. 14).

and of assessors for transit and communication 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 published in June 1925. As regards the qualifications of assessors appointed from June 15th, 1925, to June 15th, 1932, see the lists given in E 2, 3, 4, 5, 6, 7 and 8. For changes made since, see the following list, notes.

GENERAL LIST OF ASSESSORS.

Name.	Country.	Labour [1] or Transit.	Date of nomination.
ADAMES, E.	Panama	Labour (W)	Nov. 11th, 1921
ADDOR, M.	Haiti	Transit	Nov. 26th, 1921
ADLER, Em.	Austria	Labour (G)	Nov. 11th, 1921
ALBAT, G.	Latvia	Transit	Dec. 23rd, 1921
ALVAREZ, A.	Chile	,,	Dec. 10th, 1921
ALVAREZ-LISTA, R.	Uruguay	Labour (E)	Nov. 11th, 1921
AMUNATEGUI, Fr.	Chile	Transit	Dec. 10th, 1921
ANDERSEN, N. J. U.	Denmark	,,	Jan. 6th, 1922
BACKER, M. C.	Norway	Labour (G)	Nov. 10th, 1921
BALELLA, G.	Italy	,, (E)	Nov. 11th, 1921
BARBEL, B.	Luxemburg	,, (W)	Oct. 17th, 1931
BARNES, G. S.	India	Transit	Oct. 12th, 1921
BERG, P.	Norway	Labour (G)	Nov. 10th, 1921
BERGMAN, P. [2]	Sweden	,, (W)	Oct. 28th, 1932
BERGSŒ, J. Fr.	Denmark	,, (G)	Jan. 6th, 1922
BERNARDEZ, M.	Uruguay	,, (G)	Nov. 4th, 1921
BEZERRA, A.	Brazil	,, (W)	June 12th, 1923
BLANCO, J. C.	Uruguay	,, (G)	Nov. 4th, 1921
BOCHKOFF, L.	Bulgaria	Transit	Dec. 23rd, 1921
BONDAS, J.	Belgium	Labour (W)	Oct. 17th, 1931
BOUROFF, I. D.	Bulgaria	,, (E)	Nov. 11th, 1921
BRAUWEILER, R.	Germany	,, (E)	April 9th, 1932
BRIGGS, J. D. I. [3]	Union of South Africa	,, (W)	Oct. 28th, 1932
BRUINS, G. W. J. [4]	Netherlands	Transit	Feb. 27th, 1933
BUSCH, O.	Switzerland	Labour (E)	Oct. 17th, 1931
CABALLERO, F. L.	Spain	,, (W)	Nov. 11th, 1921
CAMUZZI, S.	Austria	,, (E)	Oct. 17th, 1931
CHAMBERLAIN, A. N.	Great Britain	,, (G)	Dec. 23rd, 1921
CHOIDAS	Greece	,, (G)	Feb. 17th, 1922
CHOUDHURI	India	,, (G)	Oct. 12th, 1921
CIAPPI, A.	Italy	Transit	Nov. 15th, 1921
COULTER, W. C.	Canada	Labour (E)	April 9th, 1932
CUCINI, B.	Italy	,, (W)	March 16th, 1929
DALLEMAGNE, G.	Belgium	,, (E)	Nov. 11th, 1921
DANOFF, Gr.	Bulgaria	,, (W)	Nov. 11th, 1921

[1] Assessors for labour cases are chosen by the Court from a list consisting of the names of persons nominated in the following way: two by each Member of the League of Nations and an equal number by the Governing Body of the International Labour Office, the latter appointing, as to one half, representatives of employers and, as to one half, representatives of the workers.

(G) : representatives of the governments of the Members of the L. N.
(E) : ,, ,, ,, employers nominated by the I. L. O.
(W) : ,, ,, ,, workers ,, ,, ,, ,, .

[2] First Secretary of the Swedish Trades Unions Federation.
[3] Chairman of the South African Trades and Labour Council.
[4] Member of the Central Commission for the Navigation of the Rhine.

Name.	Country.	Labour or Transit.		Date of nomination.
DEBENE, A.	Uruguay	Labour	(W)	Nov. 11th, 1921
DENNIS, F.	Haiti	,,	(G)	Nov. 26th, 1921
DENT, Fr.	Great Britain	Transit		Dec. 23rd, 1921
DINTCHEFF, U.	Bulgaria	,,		Dec. 23rd, 1921
DUFFY, L. J.[1]	Irish Free State	Labour	(W)	Oct. 28th, 1932
DUNCAN, A. R.	Great Britain	,,	(E)	Nov. 11th, 1921
DUTRA, I.	Brazil	,,	(E)	June 12th, 1923
ELIAS, P.	Netherlands	Transit		Dec. 2nd, 1921
ELMQUIST, G. H.	Sweden	Labour	(G)	Nov. 25th, 1921
ERLANDSEN, Chr.	Norway	,,	(E)	April 9th, 1932
FERNANDEZ Y MEDINA, B.	Uruguay	Transit		Nov. 4th, 1921
FIALA, C.	Czechoslovakia	,,		Nov. 27th, 1925
FICSINESCU, T.	Roumania	Labour	(E)	Oct. 17th, 1931
FONTANEILLES, E.	France	Transit		Nov. 7th, 1921
FRANCKE, E.	Czechoslovakia	Labour	(G)	April 13th, 1922
FRYE, C. C.[2]	Union of South Africa	,,	(E)	Oct. 28th, 1932
GARCIA, E.	Bolivia	,,	(E)	Nov. 11th, 1921
GHERMAN, E.	Roumania	,,	(W)	Oct. 17th, 1931
GRANHOLM, A. M.	Sweden	Transit		Jan. 10th, 1930
GRASSMANN, P.	Germany	Labour	(W)	Nov. 11th, 1921
GUANI, Al.	Uruguay	Transit		Nov. 4th, 1921
HAAB, R.	Switzerland	,,		Nov. 10th, 1932
HALLSTEN, G. O. I.	Finland	Labour	(G)	March 27th, 1922
HAMADA, K.	Japan	,,	(W)	April 9th, 1932
HANSEN, J. A.	Denmark	,,	(G)	Jan. 6th, 1922
HAY, B.	Sweden	,,	(E)	Nov. 11th, 1921
HEDEBOL	Denmark	,,	(W)	Nov. 11th, 1921
HEINDL, H.	Austria	,,	(W)	Jan. 1932
HOO-CHI-TSAI	China	,,	(G)	Dec. 23rd, 1921
HOROWSKY, Z.	Czechoslovakia	,,	(G)	Nov. 15th, 1921
HO TING-TSENG	China	,,	(E)	Feb. 3rd, 1933
HUTTUNEN, E.	Finland	,,	(W)	Oct. 17th, 1931
IBANEZ, J.	Bolivia	,,	(W)	Nov. 11th, 1921
IZAWA, M.	Japan	Transit		Nov. 4th, 1921
JANCOVICI, D.	Roumania	Labour	(G)	Dec. 12th, 1921
JULIN, A.	Belgium	,,	(G)	Oct. 21st, 1921
JUNOY RABAT, F.	Spain	,,	(E)	Oct. 17th, 1931
KAWANISHI, J.	Japan	,,	(G)	Nov. 4th, 1921
KAY, J. A.	India	,,	(E)	Nov. 11th, 1921
KNOB, A.	Hungary	,,	(E)	Jan. 1932
KOOLEN, D. A. P. N.	Netherlands	,,	(G)	April 1st, 1932
KUMANIECKI, C. L.	Poland	,,	(G)	Dec. 7th, 1921

[1] General Secretary of the Irish Union of Distributive Workers and Clerks.
[2] General Manager of "African Explosives and Industries Ltd."

Name.	Country.	Labour or Transit.		Date of nomination.
LAMALLE, V. U.	Belgium	Transit		Nov. 12th, 1925
LAMBRINOPOULOS, T.	Greece	Labour	(W)	Nov. 11th, 1921
LAVERGNE, A. de	France	,,	(E)	April 9th, 1932
LILLELUND, C. F.	Denmark	Transit		Jan. 6th, 1922
LIN KAI	China	,,		Dec. 23rd, 1921
LONG, J.	,,	Labour	(W)	Feb. 3rd, 1933
LOW, Ch, E.	India	,,	(G)	Oct. 12th, 1921
LOW, Ch. E.	,,	Transit		Oct. 12th, 1921
LUTHER, M.	Esthonia	Labour	(E)	Jan. 31st, 1931
MACASSEY, L. L.	Great Britain	,,	(G)	Dec. 23rd, 1921
MACHIMBARRENA, V.	Spain	Transit		Nov. 21st, 1921
MADSEN, A.	Norway	Labour	(W)	April 9th, 1932
MAHAIM, E.	Belgium	,,	(G)	Oct. 21st, 1921
MALM, C. G. O.	Sweden	Transit		Jan. 10th, 1930
MANCE, H. O.	Great Britain	,,		Dec. 23rd, 1921
MANNIO, N. A.	Finland	Labour	(G)	March 27th, 1922
MAURO, Fr.	Italy	Transit		Nov. 15th, 1921
MAYER-MALLENAU, F.	Austria	Labour	(G)	Nov. 11th, 1921
MCGLOUGHLIN [1]	Irish Free State	,,	(E)	Oct. 28th, 1932
MERZ, L.	Switzerland	,,	(G)	Dec. 8th, 1921
MICELI, G.	Italy	,,	(G)	Oct. 20th, 1928
MILAN, P.	France	,,	(W)	Nov. 11th, 1921
MLYNARSKI, F.	Poland	,,	(G)	Dec. 7th, 1921
MUELLER, B.	Czechoslovakia	Transit		Nov. 15th, 1921
MUNAWAR, S. [2]	India	Labour	(W)	Oct. 28th, 1932
MUTO, S.	Japan	,,	(E)	Nov. 11th, 1921
NEGRIS, C.	Greece	,,	(E)	April 9th, 1932
NEUMANN, Ch.	Hungary	Transit		May 4th, 1926
NICOLOFF, A.	Bulgaria	Labour	(G)	Jan. 2nd, 1922
NICOLTCHOFF, V.	,,	,,	(G)	Jan. 2nd, 1922
ORMAECHEA, R. G.	Spain	,,	(G)	Nov. 21st, 1921
OYUELOS, R.	,,	,,	(G)	Nov. 21st, 1921
PALMGREN, A.	Finland	,,	(E)	Nov. 11th, 1921
PAULUKS, J.	Latvia	Transit		Sept. 28th, 1925
PELLES, G. S.	Brazil	Labour	(G)	Dec. 24th, 1921
PERASSI, T.	Italy	,,	(G)	Oct. 20th, 1928
PEREIRA, M. C. G.	Brazil	,,	(G)	Dec. 24th, 1921
PERIETZEANU, A.	Roumania	Transit		Nov. 24th, 1921
PERRETI, M. J.	Brazil	,,		Dec. 24th, 1921
PEYER, Ch.	Hungary	Labour	(W)	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

[1] Member of the Employers' Federation.
[2] Secretary of the National Seamen's Union of India.

Name.	Country.	Labour or Transit.		Date of nomination.
RAULINAITIS, Fr.	Lithuania	Labour	(G)	July 5th, 1921
RENAUD, Ed.	Switzerland	,,	(G)	Dec. 8th, 1921
RESTREPO, A. J.	Colombia	,,	(G)	—
RIBBING, S.	Sweden	,,	(G)	Nov. 25th, 1921
RIBEIRO, Ed.	Brazil	Transit		Dec. 24th, 1921
RINALDINI, Th.	Austria	,,		Nov. 14th, 1921
ROBERT, R.	Switzerland	Labour	(W)	April 9th, 1932
ROI, Aug.	Esthonia	,,	(W)	Jan. 31st, 1931
ROZE, Fr.	Latvia	,,	(G)	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	(G)	Dec. 23rd, 1921
SERRARENS, P. J. S.[1]	Netherlands	,,	(W)	Oct. 28th, 1932
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	(W)	April 9th, 1932
SLIZYS, Fr.	Lithuania	,,	(G)	July 5th, 1922
SMITH, G.	Norway	Transit		Nov. 10th, 1921
SNELLMAN, K.	Finland	,,		Oct. 29th, 1921
TAKATORI, Y.	Japan	,,		Nov. 4th, 1921
TAYERLE, R.	Czechoslovakia	Labour	(W)	Nov. 11th, 1921
TCHOU YIN	China	,,	(G)	Dec. 23rd, 1921
THOMAS, J. H.	Great Britain	,,	(W)	Nov. 11th, 1921
TOLNAY, K. de	Hungary	Transit		June 15th, 1929
TOTOMIS, M. D.	Greece	Labour	(G)	Feb. 17th, 1922
TYSZYNSKI, M. C.	Poland	Transit		Dec. 7th, 1921
URATNIK, F.	Yugoslavia	Labour	(W)	April 9th, 1932
URRUTIA, Fr.	Colombia	,,	(G)	—
VERKADE, A. E.	Netherlands	,,	(E)	Nov. 11th, 1921
VESTESEN, H.	Denmark	,,	(E)	Nov. 11th, 1921
VICUÑA, M. R.	Chile	,,	(G)	Dec. 10th, 1921
VLANGHALI, Al.	Greece	Transit		Dec. 23rd, 1921
VOINESCU, B.	Roumania	Labour	(G)	Dec. 12th, 1921
VOOYS, J. P. de	Netherlands	,,	(G)	Nov. 23rd, 1921
WALDES, H.	Czechoslovakia	,,	(E)	Nov. 11th, 1921
WEBER, P.	Luxemburg	,,	(E)	Oct. 17th, 1931
WINIARSKI, B.	Poland	Transit		Dec. 7th, 1921
WREDE, G. O. A.	Finland	,,		Oct. 29th, 1921
YOSHIZAKA, Sh.	Japan	Labour	(G)	Nov. 4th, 1921
YOVANOVITCH, V.	Yugoslavia	,,	(E)	Nov. 11th, 1921
ZAGLENICZNY, J.	Poland	,,	(E)	Nov. 11th, 1921
ZUBIETA, J. A.	Panama	,,	(E)	Nov. 11th, 1921
ZULAWSKI, S.	Poland	,,	(W)	Nov. 11th, 1921

[1] Secretary-General of the International Federation of Christian Trades Unions.

(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 E 1, 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 E 1, p. 79.)

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

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[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
Principal Editing Secretaries:		
M. J. Garnier-Coignet, Secretary to the Presidency	March 1st, 1922	French
Mr. C. Hardy	June 1st, 1922	British
Editing Secretaries :		
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 E 7: "Synopsis of the Organization of the Registry", pp. 64 *et sqq.*, and the Plan, p. 69.) Organization of the Registry.

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(See E 6, pp. 43-46; E 7, pp. 70-72; E 8, pp. 43-45.) "Administrative Results."

The Council, being anxious to reduce the expenditure of the League of Nations, at its 67th Session instructed the Supervisory Commission to examine (1) reforms calculated to increase the efficiency of the organizations, (2) staff salaries, and (3) control of expenditure and limitation of budgets. With regard to point (1), the Commission in its report observed that the staff of the Registry of the Court was too closely calculated for this question to arise. Accordingly, a Resolution adopted by the Assembly of the League of Nations on October 17th, 1932, concerning the rationalization of the services of the League organizations was so drafted as not to apply to the Court's services (see p. 196). With regard to the question of salaries, the Assembly, on October 17th, 1932, adopted a Resolution which applies to officials of the Registry and which, in accordance with the proposals made by the Supervisory Commission and the Fourth Committee of the Assembly, lays down that, for a limited period, there is to be a reduction of salaries in so far as concerns future contracts. (See p. 197.) As regards the question of control of expenditure, see Chapter VIII of this volume (p. 201).

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(See E 6, pp. 46-49; E 7, pp. 74-75; E 8, pp. 45-46.) Pensions for officials.

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(See E 7, pp. 75-81.) Regulations for the Staff.

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(See E 3, p. 32; E 4, p. 52.) The Administrative Tribunal of the L. N.

For 1933, the Administrative Tribunal of the League of Nations is composed as follows: *Judges:* M. Froelich (German), *President,* M. Devèze (Belgian), *Vice-President,* M. Montagna (Italian).—*Deputy-Judges:* M. Eide (Danish), M. de Tomcsányi (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 contract. Officials of the Registry of the Court—in respect of whose rights the Court itself is the competent authority—will have access to this Tribunal if the Court so desires.

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 E 1, pp. 103-104; E 4, pp. 53-63; E 6, p. 49.)

V.—PREMISES.

(See E 1, pp. 104-119; E 2, p. 42; E 4, pp. 63-70; E 5, pp. 78-80; E 6, pp. 50-53; E 7, pp. 82-83; E 8, pp. 47-51.)

The Eighth Annual Report contained an account of the negotiations between the Secretary-General of the League of Nations and the Carnegie Foundation in regard to the enlargement of the premises at the Court's disposal in the Peace Palace, and a copy of a letter, dated May 4th, 1932, from the Secretary-General of the League of Nations to the President of the Carnegie Foundation. In reply to that letter, the President of the Carnegie Foundation wrote to the Secretary-General on September 16th, 1932, forwarding the draft of an agreement, bearing the date September 26th, 1932 [1]. The Secretary-General submitted this draft to the Assembly, accompanied by a note in the following terms:

"As contemplated in the report of the Supervisory Commission on the work of its forty-sixth session (document A. 5. 1932. X, §§ 44 to 46)[2], the Secretary-General has the honour to submit herewith, for the Assembly's approval, a document [3] drawn up by the Carnegie Foundation in the Netherlands setting out the terms on which the Foundation finds it possible to provide the Permanent Court of International Justice with the additional accommodation in the Peace Palace which it urgently requires as a result,

[1] L. N. Doc. A. 40. 1932. X.
[2] See E 8, p. 48.
[3] ,, the agreement reproduced on p. 48.

more particularly, of the increase in the Court's work and in the number of the judges of the Court. It has been thought convenient that the document should be given the form of a draft agreement which, if approved by the Assembly, and after approval by the Board of Control of the Foundation and the enactment of the law necessary to permit of the contemplated loan by the Netherlands Government, would be signed on behalf of the Carnegie Foundation and by the Secretary-General or his representative on behalf of the League of Nations.

The Secretary-General is satisfied that the draft agreement embodies the proposals which the Supervisory Commission, at its forty-sixth session, decided in principle to recommend the Assembly to adopt and for the execution of which the Commission agreed to the insertion of a credit of 10,000 florins in the budget of the Court for 1933. He is obliged to maintain the view which he expressed to the Commission, that the provision of the contemplated additional premises for the Court is a matter of urgent necessity, and he can see no alternative method of providing such premises.

It may be desirable to summarize here the previous history of the question and give a brief analysis of the proposal now presented to the Assembly. The progress of the negotiations which have led to this proposal and the questions which have arisen in regard to it can be seen from the correspondence reproduced in the Annex [1].

Under its Statute, the seat of the Permanent Court of International Justice is established at The Hague and, in virtue of an exchange of declarations in 1921 between the Secretary-General and the President of the Board of Directors of the Carnegie Foundation [2], the Court has been installed in the Peace Palace. The financial and other details of this installation are regulated by an agreement between the Foundation and the Secretary-General [3]. Under this agreement, the Court has the permanent and exclusive use of certain premises in the Palace and the joint use, with other institutions established there, of other parts of the Palace, including the large hall in which the public sessions of the Court are held and other premises which are required when the Court is hearing cases.

In March 1926, the Court, which had then at its permanent and exclusive disposal fifteen rooms (including ten offices), informed the Carnegie Foundation that it would ultimately require additional premises amounting to about twenty-five rooms of which fifteen would be reserved as chambers for the judges.

At its session of 1927, the Assembly approved a scheme for reconstruction [4], which was completed in 1929 and which raised to some thirty rooms (of which twenty-five are offices or chambers for judges) the number of rooms at the exclusive disposal of the Court. The book-stack of the Peace Palace Library and certain premises already allotted to the Court were transformed into chambers for the judges, a new building was erected to replace

[1] See notes to the following pages.
[2] „ E 1, pp. 109-110.
[3] „ „ „ „ 112 *et sqq.*
[4] „ E 4, „ 58 „ „.

the book-stack, and rooms were arranged in the attics. To meet the cost of the operation, the Netherlands Government was so good as to make a loan without interest to the Carnegie Foundation. This loan is repayable by annual instalments, the necessary funds being furnished to the Foundation by the League.

The accommodation at the disposal of the Court remained, however, inferior to what in 1926 it had contemplated as ultimately necessary.

In September 1929, the Secretary-General, in view of the increase in the number of the judges of the Court which would result from the entry into force of the Protocol for the amendment of the Court's Statute and which, if that Protocol entered into force as contemplated, would take effect as from January 1st, 1931, felt it desirable to ask the Foundation if it could consider in advance whether arrangements could be made to provide the Court with additional premises as from the said date. While emphasizing the difficulty of providing such accommodation, the Foundation agreed to study the question. The Secretary-General supplied it with details of the accommodation which would be desirable and suggested that a financial arrangement similar to that made in 1927 might be possible. In November 1930, the Secretary-General informed the Foundation of the resolution of the Assembly of that year by which, notwithstanding that the Protocol had not come into force, the number of ordinary judges was permanently increased to fifteen, by application of Article 3 of the Court's Statute, with the necessary result of increasing the services of the Court; he expressed the hope that the Court might be able to have additional premises at its disposal as from January 15th, 1931.

By a letter of April 23rd, 1931 (see Annex [1]), the President of the Board of Directors of the Carnegie Foundation made a proposal under which the Academy of International Law, which is established free of cost in the Peace Palace in virtue of an assurance

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[1] This letter was in the following terms:

[*Translation.*] "In continuation of my letter of November 13th, 1930, I have the honour to bring the following to your attention.

In order to meet the desire of the Permanent Court of International Justice, the architect of the Peace Palace, Professor van der Steur, has drawn up a plan for enlarging the Palace which has been approved by the Board of Directors. Under this plan nine new offices will be placed at the disposal of the Court; the division into two of room 201 which has been already carried out brings the total number of new rooms up to ten.

The Academy of International Law, which will be forced to give up to the Court the premises which it has hitherto occupied, will receive new premises constructed beside the bookstore.

Drawings indicating the changes to be made are enclosed herewith.

The plan for a new building for the Academy has been submitted for the approval of the Carnegie Foundation at Washington, which, as you are aware, furnishes the funds necessary for the Academy's lectures. We are still awaiting a final reply from this institution.

The cost of the changes in the Peace Palace and the new building have been provisionally estimated at 280,000 florins, including 6,600 florins for dividing room 201 into two. The annual increase in maintenance expenses may be estimated at 2,000 florins (cleaning 600, heating 350, electric light 500, telephone 240, repairs and miscellaneous 310 florins).

to that effect given by the Carnegie Foundation to the Academy and to the Carnegie Endowment in Washington, would be housed in a new building to be constructed in the grounds of the Peace Palace, and the premises hitherto occupied by the Academy would be converted into chambers for the judges. The cost of the scheme was to be met by the method adopted in 1927—that is to say, a loan without interest would be obtained from the Netherlands Government, which would be repaid over a term of years by the Foundation with funds provided from the League's budget.

The Supervisory Commission, which considered this proposal at its session of May 1931, decided that it could not recommend its adoption by the Assembly, and requested the Secretary-General to continue negotiations with the Foundation (see *Report of the Supervisory Commission on the Work of its forty-first Session*, document A. 5. 1931. X, paragraph 41). The difficulties which were felt with regard to the scheme appear from the letter which the Secretary-General wrote to the Foundation on August 21st, 1931 (see Annex [1]).

The Netherlands Government has declared its readiness to ask the States-General for the credits necessary for according the Foundation a loan without interest to enable it to meet the cost of the changes. Repayment can be effected by annual instalments of 10,000 florins. By your letter of November 6th, 1930, you informed me that the Assembly of the League of Nations had approved the insertion in the Court's budget of a credit of 10,000 florins for the amortization of the expenditure incurred for providing new premises.

The Board of Directors intends to submit to you a final proposal before the commencement of the next Assembly, with which it will lie to approve the arrangement to be made. Seeing, however, that the Supervisory Commission is to meet on April 29th, I have felt it desirable to inform you now of the intentions of the Board of Directors."

[1] This letter was worded as follows:

"I have the honour to inform you that your letter of April 23rd last, by which you were good enough to transmit to me, for communication to the Supervisory Commission, the views of the Board of Directors of the Carnegie Foundation with regard to providing additional accommodation for the Permanent Court in the Peace Palace, was duly laid before the Supervisory Commission at its last session.

I regret to inform you that the Supervisory Commission has not been able to recommend the Assembly to accept the proposals contained in your letter. I enclose the relevant extract from its report upon the work of its session.

The Commission instructed me to pursue further negotiations on the subject, and I am now writing in execution of this mandate.

My delay in writing to you has been due to the necessity of giving careful consideration to a question which is of great complexity. The terms of the present letter must, of course, not be regarded as prejudging in any way the views which may ultimately be held by the Supervisory Commission and by the Assembly.

The problem to be solved is one of much difficulty alike for the League and also, as I fully recognize, for the Carnegie Foundation. The following are certain aspects which must, I think, be considered in the attempt to reach a solution.

In the first place it would be natural that the organs of the League should be disposed to lay stress on the claims, both moral and legal, for accommodation in the Peace Palace, which may be urged in favour of the Permanent

On March 29th, 1932, the President of the Board of Directors of the Foundation replied to the Secretary-General informing him as to the extent to which the Foundation found it possible to

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Court in view of the circumstances in which its seat was established at The Hague and it was originally installed in the Palace. They are not, on the other hand, in possession of full official information as to the nature of the rival claims of the Academy of International Law for accommodation in the Peace Palace, as to the nature of the accommodation which the Academy at present enjoys in the Palace, or as to how far it will necessarily be deprived of the accommodation required for its work by the increase of accommodation given to the Court.

Before assenting to a proposal that the League should assume the ultimate liability for a further large capital expenditure in connection with the Peace Palace, the Supervisory Commission and the Assembly would, I think, consider it convenient that the Foundation should officially furnish detailed information on these points.

In any case, if capital expenditure on building is necessary to enable both the Academy and the Permanent Court to utilize the Peace Palace, it is difficult to consider that the Assembly should be asked to do more than bear the cost of enabling the Academy to have accommodation which could reasonably be considered to be equivalent in practice to that which can at present be given to it. The premises, however, which under the proposals contained in your letter, and according to the enclosed plans, are to be provided for the Academy, include accommodation (a restaurant, buffet and kitchen) which are not included in the premises which are to be taken from it and converted for the use of the Court. It may, therefore, be expected that questions will be raised as to (*a*) whether some less expensive scheme could not be adopted [without prejudicing the work of the Academy; (*b*) whether part of the cost of the premises to be provided for the Academy should not be met from some other source than the League of Nations; or finally, (*c*) whether in return for the provision of premises for the Academy which, as noted above, include more than the accommodation available in the part of the Palace taken from it for the use of the Court, the Foundation could not give the Court some additional room and facilities in the Palace, since, as noted in the Supervisory Commission's Report on its 37th session (May 1st-6th, 1930—Assembly Minutes, 4th Committee, Annex 2, paragraph 41), the present scheme does not furnish more than a provisional solution of the Court's housing problem.

The question whether the cost to the League of the proposed scheme should be accepted as in reasonable correspondence to the resulting advantages for the Court, is complicated by the fact that it is impossible to foresee what may be the period for which the Court will remain established in the Peace Palace. If this period should not be a long one, and the whole cost of the new building should nevertheless be borne by the League, the League would find itself in the position of having paid for an addition to the Palace without obtaining a proportionate benefit from its expenditure. The same difficulty arises in connection with the capital expenditure referred to in Article VI, paragraph 3, of the Agreement of December 31st, 1929. It was ignored at the time when the Assembly took the decisions on which that arrangement was based, but some solution may well be considered necessary before further obligations of a similar nature and for a large amount are undertaken by the League. Moreover the Assembly's decisions of 1929 and the agreement of that year leave open possibilities of doubt as to the position which would arise if the agreement should cease to be in force before the contemplated payments by the League were completed.

I venture to suggest for consideration that in the event of the Court being withdrawn from the Peace Palace there should be a settlement, if necessary by arbitration between the Foundation and the League, covering both the

meet the views expressed in his letter (see Annex [1]). This reply was submitted to the Supervisory Commission at its forty-sixth session. The Commission, as already stated, decided to recommend in principle to the Assembly the adoption of the Carnegie Foundation's

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contemplated new expenditure and that provided for in 1929, under which the sum remaining to the charge of the League would be reduced by such amount as may be found to represent the increase in the value of the Foundation's property.

Finally, since the sum of 2,000 florins is mentioned in your letter as the estimated increase in upkeep costs resulting from the contemplated structural alterations and new building, I feel I should make an express reservation of the question of an increase in the League's normal contribution to the Foundation."

[1] This letter was worded as follows:

[*Translation.*] "With reference to your last letter of November 6th*, 1931, I have the honour to inform you that your note of August 21st, 1931, has been carefully considered by the Board of Directors of the Carnegie Foundation. This letter and the annexed document give rise to the following observations.

The two rooms now at the disposal of the Academy of International Law are the only rooms capable of being utilized to satisfy the Court's new demand for accommodation. The Board of Directors could not, however, take into consideration the suggestion of expelling the Academy from the Palace. Such a course would be impossible, if only for the reason that, when the Academy was created, the Foundation invited it to establish its headquarters permanently and without payment in the Peace Palace. Accordingly, the establishment of the seat of the Academy in the Palace forms the object of a provision of its Statutes.

If, therefore, the Board of Directors should deprive the Academy of the premises which it now occupies, it would be obliged to put at the disposal of the Academy new premises in the Palace which could be considered equivalent to those which the Academy was obliged to abandon. You observe, Sir, in your letter that according to the plans transmitted to you, the contemplated wing will contain a restaurant with a buffet and kitchen, and that such premises are not included in the premises which would be transferred to the Court. In reply to this observation, I venture to point out that everything possible has been done to reduce the cost of the new construction, but that it is not possible to offer the Academy new premises in a special building while leaving the restaurant where it is at present. If, however, the Court expressed the desire to have the old restaurant placed at its disposal, the Board of Directors would see no objection to acceding to such a request.

The Board of Directors could accept the suggestion of concluding an agreement under which, in the event of the Court's leaving the Palace, the amounts remaining to be paid by the League of Nations would be reduced by a sum representing the increase in the value of the Palace resulting from the changes made in it. In case of disagreement this sum could be fixed by arbitration.

On several occasions the Board of Directors has had occasion to express the great satisfaction which it feels at having been able to place the greater part of the Peace Palace at the disposal of the Permanent Court of International Justice. The hospitality so offered cannot, however, place upon the Foundation any legal or moral obligation to take upon itself the cost of all increases in the Palace which are made necessary by the fortunately continuous growth in the requirements of the Court.

The financial resources of the Foundation are not such as to permit of liberality for this purpose. It seems not unnecessary to point out that

* [*Note by the Secretariat of the L. N.*] The reference would appear to be to the letter of October 31st.

proposals, as modified as a result of the negotiations, and the Secretary-General, with the approval of the Commission, wrote to

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during the past year the Foundation has received subventions from the Government of the Netherlands and the Municipality of The Hague for the particular purpose of extending the Library, and that the financial aid of the Government has on two occasions enabled it to make proposals calculated to reduce the expense caused to the League of Nations by the extension of the premises occupied by the Court. The Board of Directors has considered the report of the Supervisory Commission, and notes with regret that, in summarizing the Carnegie Foundation's proposal, the Commission has failed to mention the offer of the Netherlands Government to ask the States-General for credits permitting the Foundation to receive a loan without interest to meet the cost of the changes in the Palace. The Board of Directors feels that a just appreciation of the Foundation's proposal would have been facilitated if this part of it had not been passed over in silence.

By my letter of April 23rd, 1931, I informed you that the annual increase in maintenance expenses might be estimated at 2,000 florins (cleaning 600 florins, heating 350 florins, electric light 500 florins, telephone 240 florins, repairs and miscellaneous 310 florins). You were so good as to reply that you must make an express reservation as regarded any increase in the Court's annual contribution on the ground of increase of maintenance expenses resulting from changes in the Palace and from new building. I venture to call your attention to the fact that the figures in question relate exclusively to the cost of maintenance of the new rooms, and not to that of the new building.

It is true that, when the first enlargement was effected, the Foundation took upon itself the increase in maintenance expenses. If it followed the same course on the present occasion, this would mean a total increase in its expenditure of 4,000 florins a year. Having regard to what is said above, you will recognize, Sir, that such a course is calculated to give rise to serious objections from the financial point of view. Nevertheless, the Foundation, being anxious to manifest its sincere desire to collaborate in the most cordial manner with the League of Nations, would be prepared once more to assume the increase in maintenance expenses resulting from the changes which are to be made. The increase in the League's annual contribution would thereby be limited to the sum necessary for the amortization of the loan without interest made by the Government.

Having taken into consideration the objections made by the League of Nations to investing capital in a building which will remain the property of the Carnegie Foundation, the Board of Directors is disposed to ask whether a somewhat different solution might not perhaps be preferred by the League. An arrangement could be concluded having the character of a lease under which the rent payable would be fixed at 9,500 florins a year. Comparison with other premises in The Hague of a more or less equivalent character shows that such a rent could be regarded as normal. The Carnegie Foundation would assume the full cost of the changes to be made and the new building, together with that of maintenance, cleaning, heating, electric light, and telephones for the nine new rooms. If the Court should leave the Peace Palace, an indemnity to be paid by the League of Nations could be fixed as indicated above, taking account, on the one hand, of the expenses incurred by the Foundation for the benefit of the Court, and, on the other hand, of the additional annual payments made by the League and of the increase in the value of the Peace Palace.

It is, of course, understood that the proposals of this letter are conditional upon the Government of the Netherlands maintaining its offer with regard to the loan without interest.

I should further observe that, before entering into force, the arrangement will require to be approved by the Board of Supervision of the Foundation."

the Foundation the letter of May 4th, 1932, which is reproduced in the Annex [1].

In reply to this letter, the Foundation, by a letter of September 16th, 1932, has transmitted to the Secretary-General the draft agreement which is now submitted to the Assembly [2]. The Foundation's letter states that the Bill necessary to authorize the contemplated loan has been submitted to Parliament by the Netherlands Government and that, if approved by the Assembly, the draft agreement can be signed as soon as it has been approved by the Board of Control of the Foundation and the law has been passed by Parliament.

As contemplated by the Foundation's proposal in its original form, the premises at present occupied by the Academy of International Law will be converted into nine chambers which will be placed permanently at the exclusive disposal of the Court. In addition, the Foundation transfers to the Court the room in the basement which at present serves as a refreshment-room for the Academy, and the premises connected therewith. These premises will thus become available for the central services of the Court, which are at present installed in the attics. Contrary to what was intended under the Foundation's original proposal, the Foundation will itself bear the increase in maintenance expenses resulting from the increase in the Court's accommodation. If the Court should leave the Peace Palace, a financial settlement will take place between the Foundation and the League as provided under paragraph 7 of the draft agreement. The Academy of International Law will be housed in a new building constructed in the grounds of the Peace Palace. The maximum financial liability undertaken by the League is that of paying to the Foundation the cost of the operation, as estimated by the Foundation—namely, 273,400 florins. This sum will be lent without interest to the Foundation by the Netherlands Government. The League is to put the Foundation in a position to repay the loan over a period of years by paying the Foundation 10,000 florins in each of the years 1933 to 1959 and 3,400 florins in the year 1960; but, if the actual expenditure incurred is less than 273,400 florins, the total amount payable by the League is to be correspondingly reduced.

The Secretary-General feels he should not conclude the present note without associating himself with the appreciation expressed by the Supervisory Commission of the assistance which has generously been offered by the Netherlands Government, in the form of a loan without interest, towards the solution of the problem of providing additional accommodation for the Court."

This note of the Secretary-General, together with the draft agreement which accompanied it [3], was transmitted to the Fourth Committee, which examined it in conjunction with Article 4 (*d*) of the Court's budget: "Amortization (supplementary) of the costs of new premises for the Court." The

[1] See E 8, pp. 49 *et sqq.*
[2] ,, the supplementary agreement, p. 48.
[3] ,, p. 34.

report on financial questions which the Fourth Committee submitted to the Assembly contains the following passage on the subject:

"With regard to Item 4 (*d*) of the Court's budget, the Fourth Committee noted the report of the Secretary-General contained in document A. 40. 1932. X and the documents annexed to this report, more particularly the draft agreement [1] between the Secretary-General and the Carnegie Foundation at The Hague concerning the conditions in which an enlargement of the premises now at the disposal of the Court in the Peace Palace at The Hague should be effected. It decided that the adoption by the Assembly of the item in question should be considered as implying the approval of the arrangement in question, so that, if the Assembly approves the present report, the Secretary-General will be authorized to sign the arrangement on behalf of the League of Nations."

In virtue of a Resolution, dated October 17th, 1932, the Assembly adopted the report of the Fourth Committee, and thus authorized the Secretary-General to sign the draft agreement with the Carnegie Foundation.

The bill, enabling the Netherlands Government to grant a loan to the Carnegie Foundation for the purpose of enlarging the premises allotted to the Court in the Peace Palace [2], was adopted by the Second Chamber of the States-General on October 28th, 1932, and by the First Chamber on November 22nd, 1932 [3]. A rider to the arrangement of

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[1] See p. 34.

[2] See above, the Secretary-General's note, *in fine*, where reference is made to this loan.

[3] The following passages occur in the Memorial of the Minister for Foreign Affairs, in reply to the report on the bill submitted to the First Chamber by the Rapporteurs' Commission:

"After studying the Commission's provisional report on the bill, the undersigned feels some doubt as to whether the cultural, scientific and political importance of having an international institution, like the Permanent Court of International Justice, on the soil of the Netherlands has been sufficiently appreciated. This question is all the more deserving of attention, when one notices the high importance which other States attach to the presence of international institutions in their territories, and the large financial sacrifices that they are ready to make in that connection. I would instance the considerable expenditure which Switzerland has incurred—and continues to incur—on account of the establishment of the League of Nations at Geneva; and that incurred by France for establishing and granting subventions to the Institute of Intellectual Co-operation at Paris; and that incurred by Italy for the benefit of the Institute for the Unification of Private Law at Rome.

From this standpoint it is a fact of very great importance for the Netherlands—which is proud of being the cradle of international law and the centre of international legal life—that the Permanent Court of International Justice has its seat in the territory of the Netherlands. Moreover—in contrast to what occurred to the examples just referred to—it was established therein, without the Netherlands Government being asked to incur any expenditure for its accommodation. The Carnegie Foundation was able to place the pre-

February 12th, 1924, amended pursuant to the Agreement of December 31st, 1929, concerning the accommodation of the Court in the Peace Palace, was then signed on December 1st, 1932, on behalf of the Secretary-General of the League of Nations, of the one part, and of the Carnegie Foundation of the other part. This rider is in the same terms as the draft agreement approved by the Fourth Committee of the Assembly, and by the Assembly itself.

Below are given the "Rider" of December 1st, 1932 (No. 2); and the two letters (No. 3 *a* and *b*), exchanged on December 1st, 1932, between the President of the Carnegie Foundation and the Registrar of the Court (writing on behalf of the Secretary-General), in accordance with what had been agreed between

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mises which the Court then required at its disposal, in return for a grant, payable by the League of Nations. From a strictly material point of view, the foundation of the Court has brought nothing but advantage to the Netherlands, owing to the judges and officials staying or residing in the country, and to the increase of international travel which is naturally occasioned by the establishment of this institution.

Subsequently, when the space available in the Peace Palace was found too restricted, owing to the Court necessarily requiring more extended premises, the Netherlands Government, for the first time, sanctioned expenditure for the Court's accommodation. This occurred in 1928; the expenditure took the form, not of payment of the cost of the extension, but of a loan, free of interest, for the amount payable by the League of Nations for the costs of the work. Now, owing to the augmentation in the number of the judges and to the constant increase in the work of the Court, a second extension has become necessary, and a proposal has been put forward for that purpose.

Some members [of the First Chamber of the States-General] appear to consider the difficulties of the present circumstances as a reason for regarding this proposal differently from the similar proposal of 1928. The undersigned ventures, however, to point out in this connection—precisely owing to the existence of depression and unemployment—how very beneficial the execution of this work will be for the country. It should be realized that the greater part of the sum payable by the League of Nations will go into the pockets of Netherlands citizens.

. . . . . .

As regards those members who consider that the accommodation of the Permanent Court of International Justice is on too liberal a scale, the undersigned would point out that the accommodation allotted to the administrative staff in the attics—though it satisfies normal requirements as regards light and ventilation—is far inferior to that usually provided for the staff of modern offices.

As the need for offices was of a pressing nature, the Court felt that it could not await the construction of additional offices, but must place these rooms at the disposal of the judges at once. It was only possible to do this, in part by depriving the Registry of a certain number of rooms, and in part by the friendly co-operation of other institutions, which have their seat in the Peace Palace and were willing temporarily to surrender a share of the space allotted to them: it could not be permanently surrendered, for in that case the said institutions could no longer function; and, indeed, it is not in the interest of efficient work by the Registry that this state of things should continue.

. . . . . ."

the Secretary-General and the Carnegie Foundation during the negotiations. Another text subjoined is the Arrangement of February 12th, 1924, amended in pursuance of the Agreement of December 31st, 1929 [1] (No. 1).

These documents, taken in conjunction, together with the declarations exchanged in 1921 (see E 1, pp. 109 and 110), and the Agreement of 1931 concerning the Library (see E 7, pp. 85 *et sqq.*), constitute the rules by which the Court's rights in the Peace Palace are defined.

1. AGREEMENT OF FEBRUARY 12th, 1924,

as amended pursuant to the Agreement of December 31st, 1929.

I.—The Foundation notes that, according to the construction placed by the Secretary-General upon the expression "to indemnify the latter [i.e. the Foundation] for expenses devolving upon it as a result of the use of the Palace by the Court"—an expression which appears in the declarations referred to—the League is only bound to reimburse to the Foundation expenses incurred by the latter under the headings of staff, lighting, heating, cleaning, water and telephone in so far as, in consequence of the installation of the Court of Justice at the Palace, there has been an increase in the staff or in these services as a whole.

II.—Whilst making express reservations regarding the correctness of this construction which it is unable to accept, the Foundation has ascertained that, if it is applied, the "expenses incurred by it as a result of the use of the Palace by the Court" may be estimated at about *twenty-one thousand florins* per annum.

III.—The Secretary-General notes that, according to the construction placed upon it by the Carnegie Foundation, the expression "to indemnify the latter [the Foundation] for expenses devolving upon it as a result of the use of the Palace by the Court" signified the indemnification of the Carnegie Foundation for all the financial consequences resulting from the installation of the Court in the Palace, including consequences resulting from arrangements made, in connection with this installation, by the Foundation with other institutions also established in the Peace Palace.

IV.—The Secretary-General recognizes that, if this standpoint be adopted—which however, as is made clear by No. I above, he cannot accept—according to the statistics furnished by the Foundation, the "expenses devolving upon it as a result of the use of the Palace by the Court" may be estimated at more than *forty thousand florins* per annum.

V.—The Foundation points out that were the contribution of the League of Nations limited to the sum of *twenty-one thousand florins*, the Foundation would not be in a position to fulfil, in the liberal and appropriate manner which it desired, the obligations which it

[1] The Arrangement of 1924 is given in the First Annual Report, pp. 112 *et sqq.*; for the amendments, cf. E 4, p. 67.

has assumed under the declarations exchanged between the Secretary-General and the President of the Foundation on November 15th and 29th, 1921, and under the present agreement.

VI.—Having regard to the considerations placed before him by the Foundation in this respect, the Secretary-General undertakes to ask the Assembly of the League of Nations to grant for the year 1925 a supplementary credit—corresponding to the difference between the sum mentioned in No. II above and the sum of forty thousand florins, in order to make up to the latter figure the total contribution to be paid by the League to the Foundation—this credit to be used, subject to the provisions of No. IX, to cover the general upkeep and working (apart from the working expenses covered by the sum mentioned in No. II) of those portions of the Palace permanently or temporarily occupied by the Court of Justice, and to cover depreciation of the furniture belonging to the Foundation and installed in the offices of which the Court has the permanent or temporary use.

Similarly and for the same reasons, the Secretary-General undertakes to ask that the competent official of the Court of Justice shall be granted authority to pay to the Foundation the whole of the maximum sum provided for in the Court's Budget for 1924 under Chapter V: "Contribution to the Carnegie Foundation."

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

VII.—The contribution to be made by the League of Nations to the Foundation in the year 1925 will be paid in quarterly instalments—each amounting to one quarter of the total, on April 1st, July 1st, October 1st and December 31st, 1925.

It is understood that pending the Assembly's decision regarding the amount of the contribution payable in 1924, quarterly instalments in arrears will be paid on the basis of ten thousand florins per quarter.

VIII.—The Court will have permanent and exclusive use of the following rooms: Nos. 8, 9, 10, 11, 13, 27, 28, 38, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303 and 306.

The Court during the sessions, including sessions of its Chambers, will have the use of the Great Hall of Justice (No. 2) and antichamber (No. 3), as also of rooms 1 and 25. On days on which the Court is not holding public sittings these rooms may be used by other institutions.

The Court will have joint use of all the other premises in the Palace, necessary to its work, in accordance with agreements to be concluded in each particular case with the Foundation.

The members of the Court and its officials shall be entitled to use on an equal footing with the members and officials of other institutions occupying the Peace Palace:

(1) the entrances and exits, vestibules, corridors and staircases;

(2) the cloakrooms and lavatories adjoining the offices occupied by them;

(3) the lifts and other similar portions of the Palace which are intended for general use.

IX.—The present Library will be kept carefully up to date and will be added to as far as may be necessary. The Foundation will welcome any suggestions on this subject from the Court or its members.

The Secretary-General expresses the hope that, having regard to the obligations which he has assumed under No. VI above, an entirely adequate sum will be set aside by the Foundation for bringing and keeping up to date the Library installed in the Peace Palace.

The members and officials of the Court may at all times consult the books in the Library, in conformity with the regulations in force; furthermore, over and above the hours at which the Library is open to the public, members and officials of the Court may, during or immediately before the sessions of the Court or its Chambers, have access to the Library from 9 a.m. until 6.30 p.m. on working days.

X.—The furniture and other fittings bought by the League of Nations on behalf of the Court and installed in the Peace Palace are the property of the League and will, if necessary, be replaced at its cost.

Should furniture belonging to the Foundation and installed in offices of which the Court has permanent or temporary use become unfit for use, it will be replaced at the expense of the Foundation.

XI.—The cost of subscriptions for and upkeep of telephones connecting the offices permanently or temporarily used by the Court with each other or with the town, and also the working expenses of the exchange controlling telephones not directly connected with the town, will be defrayed by the Foundation.

Subject to special agreements to the contrary in special cases, the exchange in question will be available until 6 p.m., and until 7 p.m. during sessions of the Court or its Chambers.

It is understood that the expenses mentioned above are entirely covered by the League's contribution mentioned under No. II above.

XII.—The League of Nations undertakes no responsibility for the upkeep of the building and adjacent property.

The cost of heating, lighting and cleaning of the portions of the building of which the Court has permanent or temporary use shall be borne by the Foundation. The temperature of premises used as offices or meeting rooms must not fall below 18° centigrade. The cleaning must be carried out under conditions and at times which will ensure that the occupants are not disturbed at their work.

The Foundation will be responsible for the cost of the water from the Municipal water supply used by the members and officials of the Court.

It is understood that the sum mentioned under No. II above completely indemnifies the Foundation for the charges above mentioned.

XIII.—The subordinate staff engaged by the Foundation will be at the disposal of the Court under the same conditions as it is at the disposal of any other institution installed at the Peace Palace.

It is understood that the working hours of at least one member of this staff will be arranged having regard as far as possible to the working requirements of the Court of Justice.

The Court shall be at liberty to engage at its own expense and for its exclusive use officials belonging to the category of subordinate staff. These officials shall not be in any way subject to the authority of any other institution.

It is understood that the cost of the extra subordinate staff engaged in consequence of the installation of the Court of Justice in the Peace Palace is entirely covered by the contribution mentioned under No. II above.

XIV.—The officials of the Foundation will immediately hand to the Court's Archivist or Deputy-Archivist all mails or telegrams delivered at the Peace Palace and addressed to the Court or one of its members or officials.

XV.—During sessions of the Court or its Chambers, visitors, whether paying for entry or not, who have no business with one of the institutions installed in the Palace, may only enter the Peace Palace between 1 and 3 p.m., unless otherwise agreed in special cases. They may not enter the rooms indicated by the competent officials of the Court as not to be entered.

XVI.—Any payment which may be demanded and collected by the Dutch Government or Municipal authorities upon sums paid to the Foundation by the League of Nations, either in connection with the payment of these sums or in connection with the Peace Palace or the adjacent property, shall be borne by the Foundation.

XVII.—The present arrangement shall lapse at the expiration of three months after:

(1) the dissolution of the Court;

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

Subject to the provisions of the first paragraph, this arrangement is concluded for one year and will be automatically renewed for further periods of one year, failing notice of denunciation given by one of the Parties three months before the end of each period. The provisions of § 3 of Article VI will, however, become null and void at the expiration of the financial year 1952.

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

XVIII.—It is expressly understood that the question of the installation of the Permanent Court of International Justice at the Peace Palace is a matter exclusively between the League of Nations and the Carnegie Foundation and is therefore outside the competence of any other organization. The Foundation undertakes to accept

all responsibilities which may devolve upon it in consequence of the adoption of this principle.

2. RIDER TO THE ABOVE-MENTIONED AGREEMENT, *of December 1st, 1932.*

[*Translation.*]

1. The Carnegie Foundation will place at the disposal of the Permanent Court of International Justice nine new offices as shown on the plans hereto annexed.

2. The offices shall be fitted out in the same manner as those placed at the Court's disposal in 1928.

3. The new premises shall be added to the premises of which the Court has the permanent and exclusive use under Article VIII of the Agreement of December 31st, 1929.

4. There shall be also included among the said premises the room known as the "refreshment-room", at present occupied by the Academy of International Law, together with the adjacent premises subsidiary thereto. These premises shall be provided with a direct communication to the lift connecting the floors between which the various premises allocated to the Court are distributed.

5. (*a*) In order to provide for the expenditure occasioned by the above-mentioned changes and by the new building which is to replace the premises henceforward to be occupied by the Court, the Carnegie Foundation will secure from the Netherlands Government a loan without interest of the amount of 273,400 florins; and, in order to enable the Foundation to repay this loan, the League of Nations will pay to the Foundation a sum equal to the amount of the loan in the manner provided below.

(*b*) For the year 1933, a credit is already provided in the budget of the Court (Art. 4 *d*) under the heading "Amortization (Supplementary) of the Cost of New Premises for the Court." For each of the years 1934 to 1959 the Secretary-General undertakes to ask the Assembly to insert a credit of the same amount in the said budget. The balance payable in 1960 will be the object of a request for a credit of 3,400 florins. The Registrar of the Court will pay the amount thus provided to the Treasurer of the Foundation in the course of the first three months of each year.

(*c*) If, however, the actual cost of the works in question should prove less than the sum of 273,400 florins, the total amount payable by the League of Nations will be correspondingly reduced.

6. The Carnegie Foundation will itself bear the increase in the annual cost of the maintenance (cleaning, heating, electric light, telephones, repairs) of the premises allocated to the Permanent Court of International Justice which results from the addition of the new offices to those premises.

7. If the Court should leave the Peace Palace, the amount remaining to be paid by the League of Nations will be subject to be reduced by the amount which, at the moment when the Court leaves the Palace and taking due account of the purposes for which the Palace is destined, represents the increase in the value

of the Palace due to the changes which have been made. In case of disagreement, this amount will be fixed by arbitration. Each Party will appoint one arbitrator. A third arbitrator will be chosen by agreement between the Parties; if no agreement can be reached, the Parties will request the President of the Swiss Confederation to make the appointment.

8. The plans of the contemplated works as annexed to the present Agreement will be signed by the Parties at the same time as the Agreement. So far as concerns the premises to be put at the Court's disposal, the plans may not be modified except by agreement between the Parties.

9. The works shall be commenced so soon as the present Agreement has been signed and the loan contemplated in paragraph 5 (*a*) above has been obtained. Except in case of *vis major*, the works, so far as concerns the premises intended for the Court, shall be completely finished in five months.

3. LETTERS EXCHANGED ON DECEMBER 1st, 1932.

(a) From the President of the Board of the Carnegie Foundation to Sir Eric Drummond, Secretary-General of the League of Nations.

The Hague, December 1st, 1932.

On the occasion of the signature of the rider, of to-day's date, to the Arrangement of February 12th, 1924, as amended in pursuance of the Agreement of December 31st, 1929, concerning the accommodation of the Permanent Court of International Justice in the Peace Palace, I have the honour to inform you as follows:

(1) It is agreed that the credit referred to in the first and second sentences of § 5, sub-paragraph (*b*), of the rider amounts to 10,000 (ten thousand) florins.

(2) As the Carnegie Foundation has seen fit to raise the amount of the loan referred to in § 5, sub-paragraph (*a*), of the rider to 300,000 (three hundred thousand) florins, the Foundation declares that it is expressly understood that the maximum liability which the League of Nations incurs under the rider is 273,400 (two hundred and seventy-three thousand, four hundred) florins.

(3) The Supervisory Commission had suggested that the relevant clause of the arrangement in force between the Carnegie Foundation and the League of Nations should be interpreted in such a way 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 be subject as regards its duration to a reservation respecting the desire of some other institutions to make use of them. The Carnegie Foundation, accordingly, states as follows:

> For the purposes of the Agreement of 1924, the joint use of certain premises means that these rooms may be used either by the Permanent Court of International Justice or by the Permanent Court of Arbitration. The principle observed shall be that whichever of the said institutions first asks for the use of a room belonging to the premises in question shall have

the room allotted to it for so long as the need for it continues. It is true that, when informing the Court of Justice that a room was allotted to it, the Carnegie Foundation has, generally speaking, added that such allocation was made subject to the requirements of other institutions accommodated in the Peace Palace. It is, however, quite understood that the mere fact of one or other of the two institutions, which alone come into question—viz. the Permanent Court of International Justice and the Permanent Court of Arbitration—expressing a desire to make use of a room which, at a given moment, is being used by the other institution, shall not suffice to deprive the latter institution of its use.

It is understood that, in future, the reservation referred to in this statement shall not be made in favour of institutions other than the Permanent Court of Arbitration.

(*Signed*) CORT VAN DER LINDEN.

(*b*) *The Secretary-General of the League of Nations to the President of the Board of the Carnegie Foundation.*

The Hague, December 1st, 1932.

I have the honour to acknowledge the letter which you were good enough to send me on the occasion of the signature, to-day, of the rider to the Arrangement of February 12th, 1924, amended in pursuance of the Agreement of December 31st, 1929, concerning the accommodation of the Permanent Court of International Justice in the Peace Palace.

In this connection, I have the honour to confirm that the credit referred to in the first and second sentences of § 5, sub-paragraph (*b*), amounts to 10,000 (ten thousand) florins.

I have duly taken note of the fact that as the Carnegie Foundation has seen fit to raise the amount of the loan referred to in § 5, sub-paragraph (*a*), of the rider, to 300,000 (three hundred thousand) florins, the Foundation declares that it is expressly understood that the maximum liability which the League of Nations incurs under the rider is 273,400 (two hundred and seventy-three thousand, four hundred) florins.

I have also taken due note of the following statement made by the Carnegie Foundation : ....

[*See p.* 49, *last para.*]

I further note that the reservation referred to in this statement will not be made in favour of institutions other than the Permanent Court of Arbitration.

(*Signed*) Å. HAMMARSKJÖLD,
For the Secretary-General
of the League of Nations.

Clause 9 of the rider lays down, first, that the work shall be commenced so soon as the instrument has been signed and the loan contemplated in No. 5, (*a*), has been obtained; and, secondly, that the work, so far as concerns the premises intended for the Court, shall be completely finished in five months. It was agreed that November 23rd, 1932, should be considered as the commencement of the period mentioned in clause 9. At its 51st session, the Commission took note of the fact that the work in question had actually been terminated before April 23rd, 1933.

* * *

As the acoustics of the Great Hall of Justice had been found gravely unsatisfactory, the Court had decided, on August 6th, 1931, to have investigations made into the possibility of improving them. Pursuant to this decision, a request for a technical investigation was made to the British "Department for Scientific and Industrial Research". A report, furnished by two experts of this department, containing various recommendations for improving the acoustics in the Great Hall of Justice, was sent by the Registrar to the Secretary-General of the League of Nations, who communicated it to the Carnegie Foundation. The latter did not, however, see their way to carry out the recommendations in the report, as they would have entailed considerable alterations in the structure of the Hall, but proposed, in these circumstances, to instal a certain number of microphones and loud speakers, experimentally, at different points, and to curtain off the gallery and vaulted part of the Hall. This proposal was approved, and the installations were subjected to a series of experiments, as a result of which it appeared that the acoustics of the Hall were substantially improved. The Carnegie Foundation then intimated that it was prepared to install permanent fittings, similar to those used for the experiment, on condition that the Court would bear one-half the costs of installation, besides one-half the annual cost of upkeep. The Secretary-General stated, in a letter dated March 21st, 1933, that he was in agreement with the Foundation's proposal, and that the necessary credit would be inserted in the budgetary estimates for the year 1934, to be submitted for the approval of the Supervisory Commission and the Assembly. These estimates were approved by the Supervisory Commission at its session in April-May 1933.

* * *

Library.

(See E 6, pp. 51-53 ; E 7, pp. 83-87 ; E 8, pp. 52-53.)

A description was given in the Eighth Annual Report of the methods adopted in utilizing the credit [1] intended to enable the Court 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.

In addition to the countries enumerated in the Eighth Annual Report as having transmitted the information asked for by the Court on this subject, the following have now replied: Australia, Canada, Chile, Egypt, Honduras, Latvia, Lithuania and Nicaragua. Lists of works on Roman and canon law have also been received.

The number of volumes so far acquired, pursuant to decisions of the Library Committee, is 1340. These volumes are placed in the Peace Palace Library, in accordance with the Agreement of 1931.

[1] For the year 1933, the credit has been reduced to Fl. 2,000, pursuant to the plan (drawn up in 1930 and confirmed in 1931) according to which, once a stock of books had been acquired as a foundation in 1931-1932, further credits would only be provided in order to keep this collection up to date. (See Budget of the Court, 1933, *Official Journal of the League of Nations*, 1932, p. 1670 ; also note to Art. 12, Chap. V : Library, p. 1674.)

CHAPTER II.

THE STATUTE AND RULES OF COURT.

I.—THE STATUTE. (See E 1, pp. 117-121.)

Signatories of the Protocol.

On June 15th, 1933, 55 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, 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, Guatemala, Liberia, Nicaragua.

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[1] The States mentioned in the Annex to the Covenant of the League of Nations and which, on June 15th, 1933, 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.

* * *

Revision of Statute.

(See E 6, pp. 48-91; E 7, pp. 82-96; E 8, pp. 55-59.)

The Eighth Annual Report gave the resolution adopted by the Assembly during its Twelfth Session, in regard to the entry into force of the Protocol concerning the Revision of the Statute. In pursuance of this resolution, the Secretary-General submitted a statement to the Assembly, at its Thirteenth ordinary Session (Sept. 1932), showing the number of States that had ratified the Protocol of Revision. This statement was referred to the First Committee which, after examining the situation, submitted a short written report and a draft resolution to the Assembly. This report stated that the First Committee considered, for reasons which it had requested its Rapporteur to explain to the Assembly, that every effort ought to be made to secure the early entry into force of the Protocol of Revision. The verbal report which M. Pilotti made to the Assembly on behalf of the First Committee summed up the situation as follows:

"The question for which I have the honour to be Rapporteur is the entry into force of the Protocol of September 14th, 1929, concerning the revision of the Statute of the Permanent Court of International Justice. In accordance with the Assembly Resolution of September 25th, 1931, the Secretary-General, in document A. 27, has informed us of the present position as regards signatures and ratifications of the Protocol of 1929. Since last year's session of the Assembly, the following changes in the situation have taken place.

In the first place, it will be remembered that at our last session the Cuban representative stated that the reservations which his Government had placed upon its ratification of the Protocol of Revision might be withdrawn in the near future. As the Members of the League have been informed by a letter from the Secretary-General, dated March 24th, 1932, the Cuban Government has withdrawn these reservations, so that the ratification of Cuba has now been obtained. I am sure the Assembly will feel keen satisfaction at this event.

In the second place, Abyssinia, which at the last Assembly had signed and ratified the 1920 Protocol regarding the former Statute (which is still in force) but had not yet ratified the 1929 Protocol, has now signed that instrument.

Thirdly and lastly, Peru, after ratifying the Protocol of December 16th, 1920, is now also one of the signatories of the new Protocol of 1929.

Thus, as already indicated in the Secretary-General's report, the following States, which ratified the 1920 Protocol, have signed the 1929 Protocol but have not yet ratified it: Abyssinia, Brazil, Chile, Lithuania, Panama, Peru, Uruguay, Venezuela.

It will be remembered that on May 12th, 1930, the Council requested the Secretary-General to ask the States which had rati-

fied the 1920 Protocol whether they were prepared to acquiesce in the entry into force of the Protocol of Revision, even in the absence of some of the requisite ratifications. In a report submitted to the Council by the representative of my country on September 7th, 1930, a summary was given of the replies to that communication. According to the report, four of the States just mentioned sent a favourable reply. Those States—Chile, Lithuania, Panama and Venezuela—announced that they had no objection to the entry into force of the amendments to the Statute of the Court. It was not possible for the Protocol to come into force on September 1st, 1930, but we venture to hope that the States which did not object will see their way to expediting their formal ratification. Of the four States, Chile appeared to have made her own ratification dependent upon developments regarding the Cuban reservations. Subsequently, however, she stated that the procedure of ratification was being carried out by the competent authorities, in accordance with her municipal law.

Brazil and Uruguay replied that without Parliamentary authorization they were unable, for constitutional reasons, to acquiesce in the entry into force of the amendments. The Government of Uruguay, however, actually stated last year that it approved the Protocol of Revision and had laid a draft law in favour of it before Parliament.

The letter from the Secretary-General dated May 12th, 1930, to which I referred, was also sent to the Government of the United States of America. In his reply to the Secretary-General, dated May 27th, 1930, the Under-Secretary of State of the United States said that he perceived 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, which had not been ratified by the United States. The United States are, of course, themselves among the signatories of the Protocol of Revision.

In the unanimous opinion of the First Committee, it is of great importance that the amendments to the Statute of the Court should come into force without delay, and I am instructed to submit to you, on the Committee's behalf, a draft resolution expressing its view.

There is no need to repeat here all the reasons which led the First Committee to this conclusion. For the purposes of the present review, I need only draw attention to the following circumstances:

First, Article 29 of the Statute of the Court at present in force—that is to say, the Statute annexed to the 1920 Protocol—provides for the annual formation of a chamber of summary procedure composed of three judges. Contrary to the general principle laid down in Article 31, the Statute contains no provision to the effect that judges having the nationality of the contesting Parties shall sit on the bench, if, in any given case, the Parties have no national among the judges composing that chamber. Hitherto, as we know, the chamber has sat very rarely. The text of the revised Statute supersedes the existing provisions of Article 29 by a clause whereby the chamber of summary procedure will henceforth be

composed of five members. Further, Article 31 in its amended form extends to the new chamber of summary procedure the general rule providing for the presence on the bench, where necessary, of judges having the nationality of the contesting Parties.

The object of this reform was to provide States with a means which, though rapid, would afford the same guarantees as are applicable in the procedure before the plenary Court for settling disputes not deemed of sufficient importance to warrant proceedings before the Court as ordinarily composed.

The availability of this means of obtaining a judicial award at short notice undeniably affords States a very real advantage as compared with the system at present in force. Further, the reform will help to lighten the plenary Court's work, which is constantly increasing.

Secondly, when the Assembly at its 1920 session adopted the Statute of the Court at present in force, it rejected one of the proposals of the Advisory Committee of Jurists instructed to prepare the draft—namely, the proposal to introduce in the Statute a special article referring expressly to advisory procedure; in other words, the procedure whereby the Court gives the opinions provided for in Article 14 of the Covenant. It was thought then that the Court itself should settle this matter by the application of its powers to lay down rules of court. Such a method was justifiable at a time when there had been no experience at all of such procedure, and when, consequently, it was perhaps inexpedient to lay down rules in an instrument like the Statute, which cannot be amended except by a lengthy procedure difficult to set in motion.

Nevertheless, in the last ten years, the work of the Court has built up, in the matter of advisory procedure, a regular practice—generally approved—very much on the lines of *procédure contentieuse*. Hence, the bodies which in 1929 were revising the Statute thought that the advisory procedure should be given the guarantees of stability attaching to *procédure contentieuse*, by the introduction in the Statute itself of the essential rules governing the Court's preparation of its opinions. Thus the amendments to the Statute adopted in 1929 include the addition of a new chapter on advisory procedure, reproducing the fundamental provisions evolved through the practice of the Court in the matter, that practice being now embodied in the Rules of Court and extending to the procedure in question the general principles of the Statute in contentious cases.

As we are all aware, the Council has in recent years made increasing use of its right to apply to the Court for advisory opinions. It seems to me, therefore, that the stabilization of the advisory procedure is a really urgent matter.

Thirdly and lastly, I should like to point out that one of the principal objects of the revision of the Statute was to create machinery for filling, in as easy, sure and rapid a manner as possible, any vacancy occurring during the judges' period of office. Provisions to this effect are included in the revised Statute.

When it became clear that the amendments to the Statute could not come into force before the election of the judges in September

1930, the necessary measures were taken to introduce the reforms which had been considered desirable, in so far as such a step was constitutionally possible, by means of an Assembly resolution or of provisions in the Rules of Court.

The system set up by these methods is necessarily imperfect and lacking in harmony. Thus, according to the revised Statute, it increases the number of titular judges, while at the same time retaining, as a mere empty form, the institution of deputy-judges, which is abolished under the revised Statute. It is clearly important that this incomplete system, which from the outset was regarded as provisional, should be brought to an end as soon as possible.

Moreover, as you are aware, on the successive occasions on which the Assembly was called upon to examine the question of the Protocol of Revision—in 1929, 1930 and 1931—it was careful to stress the importance it attached to the entry into force of that Protocol at an early date.

May I be permitted, in this connection, to direct your attention to the following consideration: The Statute of the Court is a multilateral instrument setting up an international collective body. Accordingly, it is not possible for successive editions of that instrument to remain simultaneously in force, one such edition binding certain States *vis-à-vis* a first group of other States, another binding those same States *vis-à-vis* a second group: it is impossible—to take only one example—for judges to find themselves at the same time under two different systems. Hence, by not ratifying, a small minority of the States concerned may prevent a reform which is deemed desirable by the large majority. That is an unsatisfactory situation and one open to such drawbacks that it need perhaps only be indicated for the remedy to be found.

The draft resolution which I have been requested to submit to you requires no lengthy commentary, based as it is on the wishes expressed by the Assembly at previous sessions, as I have just reminded you. It may, however, be expedient to explain in a few words the last part of the third paragraph of the draft resolution. When studying the question, I came to the conclusion that in certain States difficulties might exist which would prevent ratification, without the League organs having as yet been informed of them. If the League organs, and through them the States signatories to the Statute, are duly informed of the existence and nature of those difficulties, they will perhaps find a means of surmounting them or even of convincing the other States concerned that they are more apparent than real.

As regards the last paragraph of the draft resolution, I need not stress the fact that that clause, which is based on a similar provision in the Protocol of December 16th, 1920, is not intended to create, and does not have the effect of creating, a fresh condition for the entry into force of the Protocol of Revision. Its purpose is entirely practical. Obviously, the States and the Court itself could not comply with the revised Statute or apply its rules before having been officially informed of its entry into force.

I have the honour then, on behalf of the First Committee, to request the Assembly to approve the draft resolution, which reads as follows:

'The Assembly,

Having noted the report of the Secretary-General (document A. 27. 1932. V) on the situation as regards ratification of the Protocol of September 14th, 1929, concerning the revision of the Statute of the Permanent Court of International Justice:

Observes with satisfaction that, the Government of Cuba having felt able to withdraw the reservations to which its ratification of the Protocol was subject, the obstacle which last year appeared to lie in the way of the entry into force of the Protocol has been removed;

Addresses an urgent appeal to the States which, having ratified the Protocol of December 16th, 1920, and signed the Protocol of September 14th, 1929, have not yet ratified the latter, that such ratification be effected as soon as possible; and, if they should consider that peremptory reasons prevent them from ratifying the Protocol, requests them to inform the Secretary-General without delay of the nature of those reasons;

Instructs the Secretary-General to inform the Members of the League immediately of the deposit of each new ratification and of any communication as to the causes which prevent a State from ratifying the Protocol;

Instructs the Secretary-General, on the receipt of the last ratification which is necessary for the entry into force of the Protocol, to notify its entry into force to the governments of the States concerned and to the Registrar of the Permanent Court of International Justice;

Instructs the Secretary-General to send to the States mentioned in paragraph 3 copies of the present resolution and of the statements made by the Rapporteur, M. Massimo Pilotti, and the former President of the Permanent Court of International Justice, M. Max Huber, of the reasons for desiring an early entry into force of the Protocol of 1929.'"

This report and the draft resolution were adopted on October 14th, 1932, without discussion, by the Assembly.

The last paragraph of the above report alludes to statements made by MM. Pilotti and Huber. The statements in question were made in the First Committee of the Assembly, and contained the following comments on the draft resolution submitted to that body:

" .... M. PILOTTI pointed out that, not only had the Government of Cuba made its ratification subject to certain reservations, but another country, Chile, had, to a certain extent, associated itself with those reservations, stating that it would defer its own ratification until they had been withdrawn. The obstacle having disappeared, the Chilian Government's ratification might be expected in the near future.

As regards the third paragraph, M. Pilotti observed that, if an appeal was to be sent to the States which had not yet rati-

fied the 1929 Protocol, an appeal was obviously still more essential in the case of those which had ratified the Protocol of December 16th, 1920, and had not signed that of September 14th, 1929.

There were several reasons for making an urgent appeal to the States which had not ratified. In the first place, from the point of view of expediency, a conference of signatory States had been convened, various amendments to the Statute of the Court had been adopted, and it seemed only natural that the States which had accepted those amendments should exercise pressure on the others to bring them also to accept the amendments. There was another quite specific reason, however. Among the changes made in the old Statute of the Court, certain points had been made more precise which were particularly useful for the application of international justice. For example, the former Statute had provided for a Chamber of Summary Procedure. Hitherto, that Chamber had sat very rarely. If, however, the number of cases brought before the Court of International Justice continued to increase, as seemed probable, it was desirable to provide, in addition to the normal procedure of the Court, a more rapid procedure for the examination of certain cases. It would consist in submitting cases to a small number of judges.

The reason why the Chamber of Summary Procedure had hitherto sat very seldom seemed to be that no provision had been made for national judges—termed judges *ad hoc*—to sit in that Chamber. Whatever opinion might be held as to the method of electing judges or of providing for the representation, during the hearing of a case, of States having no national of their own on the bench, a mere reference to the Statute of the Court would show that the presence of a judge who was a national of each Party to a case would be regarded as an essential guarantee for the Parties concerned. If it were desired that the Chamber of Summary Procedure should sit regularly, it would be necessary to take that situation into account and admit national judges to the Chamber. That was done in the new Statute, and, for that reason, it was most desirable that it should come into force without delay. For that reason, too, it would prove useful for the Assembly to exercise pressure on the States which had not yet signed or ratified. There were other reasons also, arising from the fact that various other changes had been introduced in the Statute of the Court. M. Pilotti wished, however, only to emphasize those relating to summary procedure, since therein lay the most striking change that had been made. In the third paragraph of his draft resolution, he had provided for the possibility of peremptory reasons preventing a State from ratifying the Protocol. Those reasons might be manifold; but it was important that they should be known, because the other States might then take concerted measures to endeavour to remove the obstacle.

As regards the fourth paragraph, M. Pilotti observed that he had provided that the Secretary-General would be instructed to inform the Members of the League immediately of the deposit of each new ratification and so on. He would like to point out that the word 'immediately' should not be taken too literally, involving, for example, the necessity of costly telegraphic communications.

Lastly, the provision in the fifth paragraph was introduced to ensure that, if it were necessary to wait for some time for delayed ratifications, there would be no need to bring the question before the next Assembly in order that the Protocol might come into force. As soon as the last ratification had been received, it would be sufficient for the Secretary-General to inform the States concerned and the Registrar of the Court of International Justice; the Protocol itself would then be known to have come into force.

. . . . . .

M. MAX HUBER (Switzerland) stated that the Swiss delegation warmly supported M. Pilotti's proposal. The reasons given by the Rapporteur himself showed how desirable it was that the Protocol should be put into force as rapidly as possible. M. Max Huber would therefore not repeat all the arguments presented by M. Pilotti to show the advantages offered by the revised Statute as compared with the text in force at present, particularly as regards the Chamber of Summary Procedure, which, in its new form, might render great services. He would like, however, to add that, though the Parties before the Court of International Justice were in a position of perfect equality, it was essential that they should also feel that they were in that position. For that reason, in particular, provision had been made in the Statute for *ad hoc* judges in the plenary Court. The present organization of the Chamber of Summary Procedure left open the possibility that, in that Chamber, one of the Parties to a case, and not the other, might have a judge of its nationality. One Party might already possess a judge of its nationality in the Chamber, while the other might not, and there was no provision—as was the case for the other chambers—compelling a judge who was a national of a State party to a case to withdraw. The revised Statute, which modified the existing situation in that respect, would strengthen the feeling of the Parties that they were equal before the Court.

In the revised Statute, moreover, certain provisions regarding advisory procedure were introduced which had been drawn up by the Court itself and embodied in its Rules. The principal aim of this change in the Statute was to preserve the almost complete assimilation of advisory procedure to judicial procedure which already existed as a result of the Court's practice. The effect of the amendment, moreover, was to ensure that the working of the Court would, in virtue of its actual Statute, offer a guarantee that judicial principles would be strictly observed in the advisory procedure also. That was an additional reason for desiring the entry into force of the revised Statute.

There were also considerations relating to the obligations of judges and their non-compatibility and so on, which added to the desirability of the immediate entry into force of the Protocol. He would not dwell on those considerations, however.

Again, there was one point of view to which no reference had yet been made, but to which he wished to draw attention. The Protocol to which the Statute of the Court was annexed was really a multilateral convention, but of a special nature. The revision of multilateral conventions not infrequently had the effect

of making several successive editions of the conventions to a certain extent coexistent. The Geneva Red Cross Convention was a good case in point. In the case, however, of a multilateral convention which, instead of simply regulating certain questions affecting inter-State relations, was designed to create a collective organ, the situation was not the same; it was no longer possible to apply different versions of it simultaneously. The Statute of the Court was a multilateral convention of that type; the functions of a judge—to take only one example—could not be governed by one Statute in respect of certain States and by another in respect of other States. The non-ratification by certain States of the amendments to the Statute thus prevented the revised Statute from being put into application; hence the necessity for all signatory States to wait until the requisite number of ratifications had been obtained before they could derive the benefits they expected from the revision.

It was true that the Covenant enabled amendments to that instrument to come into force even if not ratified by some of the original signatories. The case of the Statute of the Court was different, however, and it was on that account that only quite imperative reasons could be considered as justifying the omission to ratify the Protocol."

Since October 14th, 1932, the instruments for the ratification of the Protocol of Revision have been deposited by Lithuania on January 23rd, 1933, by the Dominican Republic on February 4th, 1933, and by Paraguay on May 11th, 1933.

On June 15th, 1933, 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, Ethiopia, Guatemala, Nicaragua, Panama, Peru, Uruguay, Venezuela.

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

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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

II.—THE RULES OF COURT.

(1) *Preparation of the Rules.* (See E 1, 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 (Jan. 30th—March 24th, 1922) have been published in Series D., No. 2, of the Court's Publications.

Revision of July 1926.

(2) *Revision of the Rules.* (See E 3, pp. 36-37; E 4, pp. 72-78; E 7, pp. 105-109.)—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 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 Jan.-Feb. 1931.

Finally, in deference to the desire expressed by the Assembly (Resolution of Sept. 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 (Jan. 15th—Feb. 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.

* * *

Commissions for the study of the revision.

As was mentioned in the Seventh Annual Report, the Court thought it advisable to undertake a methodical study of the general revision of the Rules of Court; with that end in view, it made a selection of questions to be studied, and decided to appoint four commissions, besides a co-ordinating commission,

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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."

with instructions to propose to the Court such changes in the Rules as they considered desirable. However, as it was not yet known whether the revised Statute would enter into force, the four commissions did not proceed very fast with this work. Nevertheless, on May 12th, 1933, in the course of its 28th Session, the Court resolved to request the four commissions appointed to study the revision of the Rules to complete their task by October 1st, 1933; the Court would then deal with the question of revision, if possible, before the end of the year 1933. It was agreed that, in proposing amendments to the Rules of Court, the commissions should work upon the basis of the revised Statute. At the same time, with a view to the coming revision of the Rules, the Registrar was requested to bring up to date the preparatory work compiled by him prior to the revision carried out in 1926.

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 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).

On the other hand, as regards a request made by the representatives of the interested governments, in connection with a case for advisory opinion, to the effect that the Court should express its opinion upon a particular

The table hereafter gives the list of cases which have been submitted to the Court by special agreement [1]; the Parties to the case as well as the date of the special agreement are also indicated.

CASES SUBMITTED BY SPECIAL AGREEMENT.

No. in Gen. 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	Bulgaria and Greece	18 III 24
24	Case of the S/S *Lotus*	France and Turkey	12 X 26
32	Free zones of Upper Savoy and the District of Gex	France and Switzerland	30 X 24
33	Brazilian Federal loans issued in France	Brazil and France	27 VIII 27
34	Serbian loans issued in France	France and Yugoslavia	19 IV 28
36	Territorial jurisdiction of the International Commission of the River Oder	Czechoslovakia, Denmark, France, Germany, Great Britain, Sweden, *and* Poland	30 X 28
46	Territorial waters between Castellorizo and Anatolia	Italy and Turkey	30 V 29
59	The Lighthouses' case between France and Greece	France and Greece	15 VII 31

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

question not covered by the request for advisory opinion, the Court held that the object of this request was merely to extend the scope of the advisory proceedings and that, accordingly, there was no point in ascertaining whether an agreement reached in the course of the proceedings might constitute a sort of special agreement instituting contentious proceedings before the Court (Opinion of March 8th, 1932).

[1] For the list of cases brought by unilateral application, see p. 75 ; for the list of cases in which a preliminary objection has been lodged, see p. 78; and for the list of cases for advisory opinion, see pp. 81-84.

publication, of which the fourth edition, brought up to date and completed, appeared at the beginning of 1932 [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 this connection 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 [2], a reminder was sent to those governments which had not yet replied on that date. On June 15th, 1933, 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, 1933, may be divided into several categories [3]:

A.—*Peace Treaties.* (See E 3, p. 40.)

B.—*Clauses concerning the protection of Minorities.* (See E 3, pp. 40-42.)

To the list given in the Third Annual Report should be added the declaration made by Iraq at Bagdad on May 30th, 1932, upon the termination of the mandatory régime.

C.—*Mandates for various colonies and territories entrusted to certain Members of the League of Nations under Article 22 of the Covenant.* (See E 3, pp. 42-43.)

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[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); addenda to this edition are contained in Chapter X of the Eighth Annual Report and of the present volume.

[2] On October 5th, 1931, the Registrar, having in view the preparation of the fourth edition of the *Collection*, sent a new special communication to all States entitled to appear before the Court (see E 8, p. 63).

[3] See pp. 346-375 of this volume for a list in chronological order of these instruments.

D.—*General International Agreements.* (See E 3, pp. 44-46; E 4, p. 81; E 5, pp. 98-99; E 6, p. 104; E 7, p. 114; E 8, pp. 64-65.)

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 Sixteenth Labour Conference (Geneva, 1932) [1], the following conventions were adopted:

Convention concerning the protection against accidents of workers employed in loading or unloading ships (revised in 1932).

Convention concerning the age for admission of children to non-industrial employment.

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, 1932, is given in the Fourth Annual Report (pp. 81-85), the Fifth Annual Report (pp. 99-100), the Sixth Annual Report (pp. 105-106), the Seventh Annual Report (pp. 114-115) and the Eighth Annual Report (pp. 65-67). As on June 15th, 1933, the following are to be added, which, together with those contained in the Fourth, Fifth, Sixth, Seventh and Eighth Annual Reports, affect forty-three Powers:

Convention concerning conditions of residence, commerce and navigation between Roumania and Sweden.—Bucharest, October 7th, 1931.

Declaration made by Iraq on the occasion of the termination of the mandatory régime.—Bagdad, May 30th, 1932.

Treaty of commerce and navigation between the Netherlands and Panama.—Washington, July 2nd, 1932.

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, 1932, is given in the Third Annual Report (pp. 49-50), the Fourth Annual Report (p. 85), the Fifth Annual Report

[1] See E 3 (pp. 45-46), E 4 (p. 81), E 5 (p. 99), E 6 (p. 104), E 7 (p. 114), and E 8 (p. 65), for the conventions adopted at the first fifteen Labour Conferences.

(p. 100), the Sixth Annual Report (p. 106), the Seventh Annual Report (p. 115), and the Eighth Annual Report (p. 67).

To this list, the following instruments are to be appended as on June 15th, 1933:

Convention concerning air navigation between Belgium and Germany.—Paris, May 29th, 1926.

Convention between Belgium and France for the establishment and working of an aerial line of communication Belgium-France-Congo.—Brussels, May 23rd, 1930.

Convention between France and Greece for the establishment of lines of aerial navigation.—Athens, June 5th, 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), the Seventh Annual Report (pp. 116-117) and the Eighth Annual Report (pp. 68-70), a complete list of instruments of this nature, which had come to the knowledge of the Registry on June 15th, 1932, is given.

As on June 15th, 1933, the following are to be added, which, together with those enumerated in the Fourth, Fifth, Sixth, Seventh and Eighth Annual Reports, affect thirty-seven Powers:

Treaty of conciliation and arbitration between France and Portugal.—Paris, July 6th, 1928.

Treaty of judicial settlement, arbitration and conciliation between Belgium and Roumania.—Bucharest, July 8th, 1930.

Treaty of friendship, conciliation and arbitration between Greece and Poland.—Warsaw, January 4th, 1932.

Treaty of conciliation, judicial settlement and arbitration between Norway and Turkey.—Ankara, January 16th, 1933.

Treaty of judicial settlement, arbitration and conciliation between Norway and the Netherlands.—The Hague, March 23rd, 1933.

* * *

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].

Optional Clause.

The first of these instruments, namely the "Optional Clause", is dealt with in 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 "Protocol of Signature of the Statute" of December 16th, 1920, is known as the "Optional Clause". This protocol is as follows:

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

The declaration in which the governments enumerate the conditions under which they recognize the Court's jurisdiction as compulsory is usually affixed or reproduced below the "Optional Clause".

The table included in Chapter X of the present Report (p. 291) indicates the names of the 49 States which have signed the Optional Clause (or have renewed their acceptance of the Court's compulsory jurisdiction), and indicates the conditions of their acceptance (or renewed adherence). The date on which declarations were affixed is entered on the table

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[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".

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 declaration made by Ethiopia, renewing her acceptance, is reproduced in the Eighth Annual Report (p. 440). The declaration made by Germany, renewing her acceptance, and Paraguay's declaration of acceptance, are reproduced on page 290 of this 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, Paraguay, Persia, Peru, Poland, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, Yugoslavia.

II.

B. *Of these, the following have signed, subject to ratification, and have ratified:* Union of South Africa, Albania, Australia, Austria, Belgium, Canada, Denmark, Dominican Republic, France, Germany, Great Britain, Hungary, India, Irish Free State, Italy, Latvia, New Zealand, Persia, Peru, Roumania, Siam, Switzerland, Yugoslavia.

C. *States having signed subject to ratification but not ratified:* Czechoslovakia, Guatemala, Liberia, Poland.

D. *States having signed without condition as to ratification* [2]*:* Brazil, Bulgaria, China, Colombia, Costa Rica [1], Esthonia,

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[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.

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

Ethiopa, Finland [1], Greece, Haiti, Lithuania, Luxemburg, Netherlands, Nicaragua, Norway [1], Panama, Paraguay, 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 [3], Bulgaria, Canada, Colombia, Denmark, Dominican Republic, Esthonia, Ethiopia, Finland, France, Germany, Great Britain, Greece, Haiti, Hungary, India, Irish Free State, Italy, Latvia, Lithuania, Luxemburg, Netherlands, New Zealand, Norway, Panama, Paraguay, Persia, Peru, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, Yugoslavia.

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

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

[2] See note 1 on previous page.

[3] 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.

STATES WHICH HAVE SIGNED THE OPTIONAL CLAUSE (49)				
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, 1933.
China	Costa Rica Nicaragua	Bulgaria Colombia Esthonia Ethiopia Greece Haiti Lithuania Luxemburg Netherlands Panama Paraguay Portugal Salvador Spain Sweden Uruguay	Union of South Africa Albania Australia Austria Belgium Brazil Canada Denmark Dominican Republic Finland France Germany Great Britain Hungary India Irish Free State Italy Latvia New Zealand Norway Persia Peru Roumania Siam Switzerland Yugoslavia	Czechoslovakia Guatemala Liberia Poland
States not bound by the Clause.		**STATES BOUND BY THE CLAUSE (42).**		States not bound by the Clause.

* * *

Resolution of the Council of 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, pages 142-143. (See also E 5, pp. 138-139; E 8, p. 116.)

There has been nothing new to record in this connection since June 15th, 1932.

* * *

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, 1933, the States whose names are given below had adhered to the General Act [1]:

Australia	(A)	21 V 31	Irish Free State	(A)	26 IX 31
Belgium	(A)	18 V 29	Italy	(A)	7 IX 31
Canada	(A)	1 VII 31	Luxemburg	(A)	15 IX 30
Denmark	(A)	14 IV 30	Netherlands	(B)	8 VIII 30
Esthonia	(A)	3 IX 31	New Zealand	(A)	21 V 31
Finland	(A)	6 IX 30	Norway	(A)	11 VI 30 [2]
France	(A)	21 V 31	Peru	(A)	21 XI 31
Great Britain	(A)	21 V 31	Spain	(A)	16 IX 30
Greece	(A)	14 IX 31	Sweden	(B)	13 V 29
India	(A)	21 V 31			

[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)."

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

* * *

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) [1]. The number in the general list, the Parties to the case and the date of the application instituting proceedings are also indicated.

No. in Gen. List.	Name of the case.	Parties to the case.	Date of application.
5	S/S *Wimbledon*	Great Britain, France, Italy, Japan/Germany	16 I 23
10	Mavrommatis Palestine Concessions	Greece/Great Britain	12 V 24
14	Interpretation of Judgment No. 3 (Treaty of Neuilly)	Greece/Bulgaria	27 XI 24
18	German interests in Polish Upper Silesia	Germany/Poland	15 V 25
18 *bis*	German interests in Polish Upper Silesia	Germany/Poland	25 VIII 25
22	Denunciation of the Sino-Belgian Treaty of Nov. 2nd, 1865	Belgium/China	25 XI 26
25	The Factory at Chorzów (claim for indemnity)	Germany/Poland	8 II 27
27	Readaptation of the Mavrommatis Jerusalem Concessions	Greece/Great Britain	28 V 27
30	Interpretation of Judgments Nos. 7 and 8 (Factory at Chorzów)	Germany/Poland	17 X 27
31	Rights of Minorities in Upper Silesia (Minority schools)	Germany/Poland	2 I 28
43	Eastern Greenland	Denmark/Norway	11 VII 31
47	Interpretation of the Statute of Memel	Great Britain, France, Italy, Japan/Lithuania	11 IV 32
49	Prince von Pless	Germany/Poland	18 V 32
51	Appeal against two judgments delivered on Dec. 21st, 1931, by the Hungaro-Czechoslovak M. A. T.	Czechoslovakia/Hungary	7 VII 32

[1] For a list of cases submitted by special agreement, see p. 66; for a list of cases in which a preliminary objection has been lodged, see p. 78; for a list of cases for advisory opinion, see pp. 81-84.

No. in Gen. List.	Name of the case.	Parties to the case.	Date of application.
52	South-Eastern Territory of Greenland [1]	Norway/Denmark	18 VII 32
53	South-Eastern Greenland [1]	Denmark/Norway	18 VII 32
54	Appeal against a judgment delivered on April 13th, 1932, by the Hungaro-Czechoslovak M. A. T.	Czechoslovakia/ Hungary	20 VII 32
58	Appeal against a judgment delivered on Feb. 3rd, 1933, by the Hungaro-Czechoslovak M. A. T.	Czechoslovakia/ Hungary	3 V 33
60	The Polish agrarian reform and the German minority	Germany/Poland	1 VII 33

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 that concerning the Prince von Pless Administration, both rely on Article 72 of the last-mentioned Convention, while the application in the case concerning the Polish agrarian reform and the German minority relies on Article 12 of the Minorities Treaty concluded with Poland. 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 [2]: that submitting to the Court the case concern-

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

[2] On March 30th, 1933, the Peruvian delegate to the League of Nations sent a letter to the President of the Court in the following terms: "Pursuant to the instructions of my Government, I have the honour to submit to the jurisdiction of the Court, under Article 36 of the Statute, the Salomon-Lozano Treaty concluded between the Governments of Peru and Colombia, this Treaty not having been executed in the latter country, as will be established by evidence provided by my Government in due course."

The entry of this application in the Court's list was postponed pending the filing of an application fulfilling the formal conditions laid down by the Statute and Rules. Meantime the case was settled by an agreement concluded under the auspices of the Council of the League of Nations. The application however has not been withdrawn.

ing 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 three 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.

*

(See E 6, p. 147; E 7, p. 163; E 8, pp. 120-121.)

Jurisdiction as a Court of Appeal.

* * *

(See E 5, p. 139; E 7, p. 163.)

Interim measures of protection.

By an Order made on August 3rd, 1932 [1], the Court dismissed an application for the indication of interim measures of protection submitted by the Norwegian Government in the case concerning South-Eastern Greenland.

An application for the indication of interim measures of protection filed by the German Government in the Prince von Pless case ceased to have any object as a result of declarations made by the Polish Government and of a declaration of agreement on the part of the German Government. By an Order made on May 11th, 1933 [2], the Court recorded this fact and noted the Parties' declarations.

On July 3rd, 1933, the German Government filed an application for the indication of interim measures of protection in the case concerning the Polish agrarian reform and the German minority.

* * *

(See E 5, p. 140; E 7, p. 164.)

Power to determine its own jurisdiction.

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 [3] 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.

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[1] See p. 119 for a summary of this Order.
[2] " " 152 " " " " " " .
[3] " " 75 " " list of cases brought by unilateral application.

No. in Gen. List.	Name of the case.	Parties to the case.	Date of preliminary objection.
12	Mavrommatis Palestine Concessions	Greece/Great Britain	3 VI 24
19	German interests in Polish Upper Silesia	Germany/Poland	18 VI 25
26	Claim for indemnity in respect of the Factory at Chorzów	Germany/Poland	8 IV 27
28	Readaptation of the Mavrommatis Jerusalem Concessions	Greece/Great Britain	9 VIII 27
50	Interpretation of the Statute of Memel	France, Great Britain, Italy, Japan/ Lithuania	26 V 32
55	Prince von Pless	Germany/Poland	1 X 32
56	Appeal [1] against two judgments delivered on Dec. 21st, 1931, by the Hungaro-Czechoslovak M. A. T.	Czechoslovakia/ Hungary	20 X 32
57	Appeal [1] against a judgment delivered on April 13th, 1932, by the Hungaro-Czechoslovak M. A. T.	Czechoslovakia/ Hungary	20 X 32

Since June 15th, 1932, the Court has rendered a judgment on a preliminary objection (Judgment of June 24th, 1932) [2]; it further passed upon questions of jurisdiction in its Judgment of August 11th, 1932 [3]. By the Order of February 4th, 1933 [4], it joined the preliminary objection to the jurisdiction lodged in the Prince von Pless case to the merits of the suit.

Furthermore, it is to be noted that in the Orders fixing time-limits for the filing of documents of the written proceedings made in the cases relating to appeals from judgments of the Hungaro-Czechoslovak Mixed Arbitral Tribunal, the Court inserted a reservation to the effect that the fixing of time-limits in no way prejudged either the question whether the applications in these suits were admissible or the question whether the Court had jurisdiction to adjudicate upon them. Similarly, in the Order of May 11th, 1933 [5], whereby the Court declared that an application for the indication of interim measures of protection had ceased to have any object,

[1] Cases Nos. 56 and 57 were joined by an Order of Court on October 26th, 1932.
[2] See E 8, p. 207, for a summary of this Judgment (Memel case).
[3] See p. 122 for a summary of this Judgment (Memel case).
[4] ,, ,, 138 ,, ,, ,, ,, ,, Order.
[5] ,, ,, 152 ,, ,, ,, ,, ,, ,, (Pless case).

it was observed that it was accordingly unnecessary for the Court to consider whether it would have been competent to adjudicate upon that application and whether the latter was admissible; the Court also inserted a reservation to the effect that neither the question of its jurisdiction—to adjudicate upon the original application instituting proceedings, in connection with which the request for the indication of interim measures was made—nor the question of the admissibility of that application were prejudged by the Order.

* * *

(See E 5, p. 140.) Interpretation of judgments.

* * *

(2) *Jurisdiction* ratione personæ.

Only States or Members of the League of Nations can be Parties in cases before the Court [1]. 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 [2].

A.—The Members of the League of Nations are, on June 15th, 1933 [3]: Union of South Africa, Albania, Argentine Republic, Australia, Austria, Belgium, Bolivia, British Empire, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Esthonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Persia, Peru, Poland, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Turkey, Uruguay, Venezuela, Yugoslavia. Members of the L. N.

B.—The States mentioned in the Annex to the Covenant which do not belong to the League of Nations are: Brazil, Ecuador, Hedjaz, United States of America. States mentioned in the Annex to the Covenant.

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.

*

(See E 2, pp. 84-87; E 3, pp. 92-97; E 4, pp. 124-127; E 5, pp. 142-150; E 6, pp. 149-170; E 7, pp. 165-179; E 8, pp. 123-142.) United States of America.

[1] Article 34 of Statute.
[2] ,, 35 ,, ,, .
[3] Communication from the Secretary-General of the League of Nations.

The question of the adherence of the United States has not been considered by the Senate during the period covered by this Report. In his message to Congress on December 6th, 1932, the President confined himself to referring to his previous messages, in so far as concerned this question.

The Protocol of September 14th, 1929, concerning the adherence of the United States to the Court, had, on June 15th, 1933, 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.

All these States have ratified, except the following: United States of America, Bolivia, Brazil, Chile, Ethiopia, Guatemala, Haiti, Liberia, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay.

*

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 E 1, 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.

[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 E 7, p. 180).

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(See E 5, p. 150.)

Contributions towards the expenses of the Court.

* * *

(3) *Channels of communications with governments.* (See E 8, pp. 144-147.)

The following modifications are to be made in the list appearing in the Eighth Annual Report and indicating the channels to be used for direct communications between the Court and the governments of States entitled to appear before it:

Monaco	The Minister of State, Director of the Foreign Relations of the Principality.	*Turkey*	The Ministry for Foreign Affairs, Fourth Department.

II.—JURISDICTION AS AN ADVISORY BODY.
(See E 1, 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.

The following belong to the first category:

Requests from the Council *proprio motu*.

No. in Gen. List.	Name of the case.	Govts. and organizations directly interested.	Date of request.
6	German settlers in Poland	Germany/Poland	2 III 23
8	Acquisition of Polish nationality	Germany/Poland	11 VII 23
16	Polish postal service at Danzig	Danzig/Poland	14 III 25
17	Expulsion of the Œcumenical Patriarch		21 III 25
20	Frontier between Turkey and Iraq (Mosul question)	Great Britain/Turkey	23 IX 25

No. in Gen. List.	Name of the case.	Govts. and organizations directly interested.	Date of request.
29	Jurisdiction of the Danzig Courts	Danzig/Poland	24 IX 27
39	Railway traffic between Lithuania and Poland	Lithuania/Poland	28 I 31
41	Customs régime between Germany and Austria (Protocol of March 19th, 1931)	Austria, Germany/ France, Italy and Czechoslovakia	19 V 31
44	Access to and anchorage in the port of Danzig for Polish war vessels	Danzig/Poland	25 IX 31
45	Caphandaris-Molloff Agreement of Dec. 9th, 1927	Bulgaria/Greece	26 IX 31

Other requests.

The following belong to the second category :

No. in Gen. List.	Name of the case.	Govts. and organizations directly interested.	Date of request.
1	International Labour Organization and the conditions of agricultural labour	France, Great Britain, Hungary, Italy, Portugal, Sweden, I. L. O., 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	22 V 22
2	Nomination of the Workers' delegate to the International Labour Conference	Great Britain, Netherlands, Sweden, I. L. O., Netherlands General Confederation of Trades Unions, International Federation of Trades Unions, International Confederation of Christian Trades Unions	22 V 22

No. in Gen. List.	Name of the case.	Govts. and organizations directly interested.	Date of request.
3	International Labour Organization and methods of agricultural production	Esthonia, France, Haiti, Sweden, I. L. O., International Institute of Agriculture, International Confederation of Agricultural Trades Unions	18 VII 22
4	Nationality Decrees in Tunis and Morocco	France/Great Britain	6 XI 22
7	Status of Eastern Carelia	Finland/Union of Socialist Soviet Republics of Russia	27 IV 23
9	Polish-Czechoslovakian frontier (question of Jaworzina)	Czechoslovakia/ Poland	29 IX 23
13	Monastery of Saint-Naoum (Serbian-Albanian frontier)	Albania/Yugoslavia	17 VI 24
15	Exchange of Greek and Turkish populations	Greece, Turkey, Mixed Commission for the exchange of Greek and Turkish populations	18 XII 24
21	International Labour Organization and personal work of the employer	I. L. O., International Organization of Industrial Employers, International Federation of Trades Unions, International Confederation of Christian Trades Unions	20 III 26
23	Jurisdiction of the European Commission of the Danube	France, Great Britain, Italy/ Roumania	18 XII 26
35	Interpretation of the Greco-Turkish Agreement of Dec. 1st, 1926 (Final Protocol, Art. IV)	Greece/Turkey	7 VI 28
37	Greco-Bulgarian "Communities"	Bulgaria/Greece	17 I 30
38	Danzig and the International Labour Organization	Danzig, Poland, I. L. O.	15 V 30

No. in Gen. List.	Name of the case.	Govts. and organizations directly interested.	Date of request.
40	Access to German Minority Schools in Polish Upper Silesia	Germany/Poland	31 I 31
42	Treatment of Polish nationals, etc., at Danzig	Danzig/Poland	23 V 31
48	Employment of women during the night	I. L. O., International Federation of Trades Unions, International Federation of Christian Trades Unions, Great Britain, Germany	10 V 32

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Procedure for voting upon requests for opinions.

(See E 5, pp. 159-160; E 6, pp. 178-179; E 7, pp. 186-187; E 8, p. 151.)

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 lists contained in previous Annual Reports the following additions are to be made in respect of the period June 15th, 1932, to June 15th, 1933.

(*a*) APPOINTMENTS BY THE COURT. (See E 3, pp. 104-105; E 4, p. 136; E 6, p. 180; E 7, pp. 188-189.)

Since June 15th, 1932, the Court has not been notified of any instrument under which it might in certain circumstances be asked to make an appointment.

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

1.—*Under an instrument of public international law.* (See E 3, pp. 105-108; E 4, pp. 136-137; E 5, pp. 160-162; E 6, pp. 180-181; E 7, pp. 189-190; E 8, pp. 153-156.)

Agreements for the pacific settlement of international disputes.

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

Treaty for judicial settlement, arbitration and conciliation between the Netherlands and Norway.—The Hague, March 23rd, 1933.

Treaties of commerce.

Appointment in certain circumstances of a third arbitrator:

Treaty of commerce and navigation between the German Reich and the Irish Free State.—Dublin, May 12th, 1930.

Convention concerning conditions of residence, commerce and navigation between Roumania and Sweden.—Bucharest, October 7th, 1931.

Treaties of peace and various conventions.

Appointment in certain circumstances of a third arbitrator:

Treaty of friendship between Lithuania and Persia.—Moscow, January 13th, 1930.

It is also to be noted that the Special Arbitration Agreement concluded on July 15th, 1931, between France and Greece submitting to the Court the Lighthouses' case between those two countries, provides for the appointment in certain circumstances of an umpire by the President of the Court.

Reference was made in the Eighth Annual Report to the declaration made on April 22nd, 1932, by the Swiss Government's Agent during the proceedings in the free zones' case. This declaration was 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, might take place, should France so request, with the assistance and subject to the mediation of three experts, to be appointed by the judge who acted as President for the purposes of the free zones' case, or should he be unable to do so, by the President of the Court. Both the judge who acted as President and the President of the Court agreed to undertake this duty. On June 15th, 1933, no request to this effect had been addressed to them.

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. On September 13th, 1932, the President informed the representatives of the Belgian and Greek Governments that he had appointed as expert Major H. de Heidenstam, of the Royal Swedish Corps of Engineers. Major de Heidenstam has accepted the appointment. The expert report fixing the price of the order in question was signed at The Hague on March 18th, 1933.

* * *

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 (pp. 191 *et sqq.*) 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".

Some new examples are given below [1]:

The interested person, resident in a territory which formed part of the old Austro-Hungarian Monarchy and which was transferred after the war to one of the succession States, was the victim of a railway accident in this territory at the beginning of 1918. In 1920, the courts of the succession State recognized his right to compensation. The Treasury however has so far refused to pay it to him on grounds which, according to the interested person's statement, are connected with the settlement of accounts between the succession States.

[1] The summaries state the facts as set out in the petitions received; the Registry obviously can assume no responsibility for the accuracy of these facts.

The interested person was an employee of the State of Prussia. In 1920, he left the service and a pension was granted and paid up till 1922, when he settled in Poland. The interested person—who claims to have become a Polish national *ipso facto* as a result of the Treaty of Versailles—applied to the Polish authorities for payment of his pension, but those authorities refused payment, stating that in order to become a Polish citizen the interested person should have opted for Poland. On the other hand, according to the German authorities, the interested person's pension—since he is considered as a Polish national—must be paid by Poland. He asks the Court to say which State should pay his pension.

The interested person, whose claim has been dismissed by the Hungaro-Czechoslovak Mixed Arbitral Tribunal, applies to the Court, citing Article X of Agreement No. II of Paris of April 28th, 1930, asking it to set aside the judgment of that Tribunal. (There are several cases of this kind.)

The interested person asks whether it is possible to bring before the Court the claim of a European concessionnaire against the government or head of State of a non-European country, the latter having signed the concession contract as a contracting Party, without the counter-signature of any minister.

The house of the interested person, situated in Austrian territory transferred after the war to one of the succession States, was occupied during the war by Austrian troops. The interested person was recognized to be entitled to compensation on this ground. He could not however obtain payment: he says that the Austrian authorities have refused payment because he has become a national of the succession State, and the authorities of the succession State refuse payment because he became a national of the succession State by opting for it and not *ipso facto*. He asks the Court to take up the case.

The interested person, born in Germany but a native of an Austrian territory which, after the war, passed under the sovereignty of one of the succession States of the old Austro-Hungarian Monarchy, served in the Austrian army in a part of Austrian territory which, after the war, passed under the sovereignty of another succession State in which he is still domiciled. He lost his Austrian nationality by the Treaty of Saint-Germain without acquiring a new one. No pension is paid him either by Austria or by either of the succession States. He aks the Court to intervene on his behalf.

The interested person in 1928 concluded a contract with the government of a South-American State for the construc-

tion of a road. He began the work but, before it was completed, the government ordered work to be suspended for a year. On the expiration of that time, the government would not permit him to resume work. He received payment in bills depreciated to the extent of 75 %. Subsequently a revolution broke out in the country in question: the interested person was accused of enriching himself by unlawful means and his property was sequestrated. He asks the Court to take up his case and to award him damages for the losses he has thus sustained.

The interested person was employed in a mine in Polish Upper Silesia. He says that he was dismissed because he belonged to the German minority and because he sent his children to the German school. His complaints to the Polish authorities have been disregarded and he applied to the Court.

At the beginning of the war, two shops belonging to the interested person, then a Hungarian subject, were sequestrated by the French authorities. Subsequently they were sold, the interested person having been unable to prove in due time that he had become a national of one of the succession States of the Austro-Hungarian Monarchy. His representations to the French authorities and to the authorities of his own country having proved fruitless, he asks the Court to indicate how he may obtain compensation.

The interested person, a Polish national, worked during the war in Germany. During this time he was the victim of an accident as the result of his employment. He tried to obtain compensation from the firm with which he was employed at the time of his accident. His efforts having proved fruitless, he applies to the Court.

The interested person worked for twenty-two years—until 1925—as a postal employee in a part of Austrian territory which, after the war, passed under the sovereignty of a succession State. Her husband, whom she married before the war, retained Austrian nationality after the war. From 1925 a pension was paid to her by the succession State, but, in 1928, the latter ceased payment of the pension alleging that she was not one of its nationals. The Austrian authorities refuse to pay a pension because the territory in which she was employed is no longer Austrian. The interested person asks the Court to intervene on her behalf.

CHAPTER IV.

TABLE OF THE COURT'S DECISIONS AND GENERAL LIST [1].

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.

The dates of the sessions held by the Court till July 15th, 1933, are indicated in the list hereafter (p. 90).

* * *

The table reproduced on pages 91 to 103 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-eight sessions of the Court, and it indicates (1) a summary of the decisions; (2) the page of the Annual Report on which each has been summarized, and (3) the serial numbers of the Court's publications in which the relevant documents have been printed.

On the other hand, the tables reproduced on pages 105 to 113 give the data from the general list concerning the cases decided by the Court since August 12th, 1932, and the cases pending before the Court on July 15th, 1933.

[1] The Court having decided, in 1931, to combine in a single series (A./B.) judgments, orders and opinions delivered by it, it has been thought preferable to include in a single chapter (Chap. V), in chronological order, the summaries of the Court's decisions which are reproduced in the Annual Report, and not—as has formerly been done—to place them in separate chapters (IV and V) according to the nature (contentious or advisory) of the cases dealt with.

The present Chapter reproduces the data which, in preceding reports, have been given in the Introduction to Chapters IV and V.

DATES OF THE SESSIONS HELD BY THE COURT.
(Table brought up to date July 15th, 1933.)

Order number.		Year.	Date of opening.	Date of closure.
Preliminary	—	1922	Jan. 30th	March 24th
First	O [1]	,,	June 15th	Aug. 12th
Second	E	1923	Jan. 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	Jan. 12th	March 26th
Seventh	E	,,	April 14th	May 16th
Eighth	O	,,	June 15th	June 19th
			July 15th	Aug. 25th
Ninth	E	,,	Oct. 22nd	Nov. 21st
Tenth	E	1926	Feb. 2nd	May 25th
Eleventh	O	,,	June 15th	July 31st
Twelfth	O	1927	June 15th	Dec. 16th
Thirteenth	E	1928	Feb. 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	Aug. 26th
Nineteenth	E	,,	Oct. 23rd	Dec. 6th
Twentieth	O	1931	Jan. 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	Feb. 1st	March 8th
Twenty-Fifth	E	,,	April 18th	Aug. 11th
Twenty-Sixth	E	1932-33	Oct. 14th	April 5th
Twenty-Seventh	O	1933	Feb. 1st	April 19th
Twenty-Eighth	E	,,	May 10th	May 16th
Twenty-Ninth	E	,,	July 10th	

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

LIST OF JUDGMENTS, ORDERS AND OPINIONS.

Name of case.	Summary.	Short report.	Relevant documents.
Nomination of the workers' delegate to the International Labour Conference. Date: 31 VII 22. Gen. list: 2. (Opin. No. 1.)	International Labour Conferences. Nomination of non-government delegates; duties of governments. Art. 389, para. 3, of Treaty of Versailles.	E 1, p. 179	B 1; C 1.
International Labour Organization and the conditions of agricultural labour. Date: 12 VIII 22. Gen. list: 1. (Opin. 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.	E 1, p. 183	B 2 and 3; C 1.
International Labour Organization and the methods of agricultural production. Date: 12 VIII 22. Gen. list: 3. (Opin. No. 3.)	*International Labour Organization.* Its competence in regard to production (agricultural or otherwise).	E 1, p. 183	B 2 and 3; C 1.
Nationality decrees in Tunis and Morocco. Date: 7 II 23. Gen. list: 4. (Opin. No. 4.)	Council of L. N. 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.	E 1, p. 188	B 4; C 2 and supplem. vol.
Status of Eastern Carelia. Date: 23 VII 23. Gen. list: 7. (Opin. No. 5.)	Dispute between a Member and a non-Member of L. N. (Art. 17 of Covenant). The consent of States as a condition for the legal settlement of a dispute. Refusal by the Court to give an opinion for which it is asked. Grounds for this refusal.	E 1, p. 200	B 5; C 3, vol. I and II.
S.S. *Wimbledon.* Date: 17 VIII 23. Gen. list: 5. (Judgm. 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 Art. 63 of the Court Statute.	E 1, p. 163	A 1; C 3, vol. I, II, and suppl. vol.

Name of case.	Summary.	Short report.	Relevant documents.
German Settlers in Poland. Date : 10 IX 23. Gen. list : 6. (Opin. No. 6.)	Council of L. N. 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, Art. 256.	E 1, p. 204	B 6 ; C 3, vol. I, III[I] and III[II].
Acquisition of Polish nationality. Date : 15 IX 23. Gen. list : 8. (Opin. No. 7.)	Council of L. N. 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).	E 1, p. 210	B 7 ; C 3, vol. I, III[I] and III[II].
Polish-Czechoslovakian frontier (question of Jaworzina). Date : 6 XII 23. Gen. list : 9. (Opin. 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.	E 1, p. 215	B 8 ; C 4.
The Mavrommatis Palestine concessions (jurisdiction). Date : 30 VIII 24. Gen. list : 12. (Judgm. No. 2.)	Nature of an objection to the jurisdiction of the Court. Negotiations a condition precedent to judicial proceedings. The notion of "public control". International obligations accepted by the Mandatory. What concessions are maintained by Protocol XII of Lausanne. Retroactivity and considerations of form in international law.	E 1, p. 169	A 2 ; C 5.
The Monastery of Saint-Naoum (Servian-Albanian frontier). Date : 4 IX 24. Gen. list : 13. (Opin. 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.	E 1, p. 221 ; E 2, p. 137	B 9 ; C 5—II.
Interpretation of para. 4 of the Annex following Art. 179 of the Treaty of Neuilly. Date : 12 IX 24. Gen. list : 11. (Judgm. No. 3.)	Scope of the application of para. 4 as regards persons and territory. Relations between said paragraph and reparations.	E 1, p. 180	A 3 ; C 6.

Name of case.	Summary.	Short report.	Relevant documents.
Exchange of Greek and Turkish populations. Date : 21 II 25. Gen. list : 15. (Opin. No. 10.)	Establishment and domicile. National legislation as a means for the interpretation of international instruments. Mixed Commission : concurrent jurisdiction of national courts.	E 1, p. 226	B 10 ; C 7—I.
Interpretation of Judgment No. 3 (interpretation of para. 4 of the Annex following Art. 179 of the Treaty of Neuilly). Date : 26 III 25. Gen. list : 14. (Judgm. No. 4.)	Request for an interpretation under Art. 60 of the Statute.	E 1, p. 180	A 3 and 4 ; C 6, supplem. vol.
The Mavrommatis Palestine concessions (merits). Date : 26 III 25. Gen. list : 10. (Judgm. 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.	E 1, p. 176	A 5 ; C 7—II.
The Polish Postal Service in Danzig. Date : 16 V 25. Gen. list : 16. (Opin. 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.	E 1, p. 231 ; E 2, p. 139	B 11 ; C 8.
German interests in Polish Upper Silesia (jurisdiction). Date : 25 VIII 25. Gen. list : 19. (Judgm. No. 6.)	Diplomatic negotiations as a condition precedent to the institution of proceedings. Interpretation of Art. 23 of the Upp. 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.	E 2, p. 100	A 6 ; C 9—I.
Frontier between Turkey and Irak (the Mosul question). Date : 21 XI 25.	Council of L. N. Nature of its powers under Art. 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	E 2, p. 140	B 12 ; C 10.

Name of case.	Summary.	Short report.	Relevant documents.
Gen. list : 20. (Opin. No. 12.)	unanimous (Art. 5 of Covenant), the votes of interested Parties not being taken into account (Art. 15 of Covenant).		
German interests in Polish Upper Silesia (merits). Date : 25 v 26. Gen. list : 18 and 18 *bis*. (Judgm. No. 7.)	The Court may give declaratory judgments. Compatibility of the Polish law of July 14th, 1920, and the Upp. Silesian Convention. Derogations from the principle of respect for vested rights are in the nature of exceptions. Right of Poland to avail herself of the Armistice Convention and the Protocol of Spa of Dec. 1st, 1918. Germany's capacity to alienate property after the Treaty of Versailles.—Form of notice of expropriation. Interpretation of Art. 9 of the Upp. Silesian Convention : the conception of "subsidence". The conception of "control" in the Upp. Silesian Convention. Proofs of the acquisition of nationality. For questions of liquidation, a municipality may be assimilated to a person. The conception of domicile.	E 2, p. 109	A 7 ; C 11, vol. I, II and III.
The International Labour Organization and the personal work of the employer. Date : 23 VII 26. Gen. list : 21. (Opin. No. 13.)	The International Labour Organization. Its incidental competence in regard to work done by the employer. Parallel with Opinion No. 3. Discretionary powers of the Organization and their limit ; Art. 423 of the Treaty of Versailles.	E 3, p. 131	B 13 ; C 12.
Denunciation of the Treaty of Nov. 2nd, 1865, between China and Belgium. Date : 8 I 27. Gen. list : 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 these interim measures.	E 3, p. 125	A 8 ; C 16—I.
The rescission, on the request of the Applicant, of the interim measures indicated by the Order of January 8th, 1927. Date : 15 II 27. Gen. list : 22. (Order.)	Owing to the conclusion between the Parties of a *modus vivendi* including a provisional settlement of the situation, independently of the rights at issue, 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.	E 3, p. 129	A 8 ; C 16—I.

Name of case.	Summary.	Short report.	Relevant documents.
Claim for indemnity in respect of the factory at Chorzów (jurisdiction). Date : 26 VII 27. Gen. list : 26. (Judgm. No. 8.)	Meaning and scope of the Geneva Convention, and particularly of Art. 23. By virtue of this Article, the Court takes cognizance of disputes relating to the application as well as to the applicability of Art. 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.	E 4, p. 155	A 9 ; C 13—I.
Case of the S.S. *Lotus*. Date : 7 IX 27. Gen. list : 24. (Judgm. No. 9.)	The terms of the Special Agreement. The "principles of international law" within the meaning of Art. 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.	E 4, p. 166	A 10 ; C 13—II.
Readaptation of the Mavrommatis Jerusalem concessions (jurisdiction). Date : 10 X 27. Gen. list : 28. (Judgm. No. 10.)	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 would arise from an exercise of the full powers to provide for "*public control* of the natural resources of the country" (Art. 11). This condition not being present in the case, there was no need to consider the other arguments of the Defendant.	E 4, p. 176	A 11 ; C 13—III.
Claim for indemnities in respect of the factory at Chorzów (interim measures of protection). Date : 21 XI 27. Gen. list : 25. (Order.)	Request for interim measures of protection and submissions as regards the merits. Composition of the Court.	E 4, p. 163	A 12 ; C 15—II.
Jurisdiction of the European Commission of the Danube. Date : 8 XII 27. Gen. list : 23. (Opin. 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.	E 4, p. 201 ; E 5, p. 223	B 14 ; C 13—IV (4 vols.).

Name of case.	Summary.	Short report.	Relevant documents.
Interpretation of Judgments Nos. 7 and 8 (the Chorzów factory). Date : 16 XII 27. Gen. list : 30. (Judgm. No. 11.)	Conditions requisite in order that a request for interpretation should be admissible (Art. 60 of Statute) ; 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 Statute).	E 4, p. 184	A 13 ; C 13—V.
Jurisdiction of the Courts of Danzig. Date : 3 III 28. Gen. list : 29. (Opin. 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.	E 4, p. 213	B 15 ; C 14—I.
Rights of minorities in Upper Silesia (minority schools). Date : 26 IV 28. Gen. list : 31. (Judgm. 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 L. N. and that of the Court. Interpretation of the German-Polish Convention : Conditions to which children entering the minority schools are subject.	E 4, p. 191	A 15 ; C 14—II.
Interpretation of the Greco-Turkish Agreement of Dec. 1st, 1926 (Final Protocol, Art. IV). Date : 28 VIII 28. Gen. list : 35. (Opin. 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.	E 5, p. 227	B 16 ; C 15—I.
Claim for indemnities in respect of the factory at Chorzów (merits). Date : 13 IX 28. Gen. list : 25. (Judgm. 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 Art. 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.	E 5, p. 183	A 17 ; C 15—II.

Name of case.	Summary.	Short report.	Relevant documents.
Claim for indemnities in respect of the factory at Chorzów (merits). Date: 13 IX 28. Gen. list: 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.	E 5, p. 196	A 17; C 15—II.
Denunciation by China of the Treaty of Nov. 2nd, 1865, between China and Belgium. Date: 25 V 29. Gen. list: 22. (Order.)	Termination of proceedings by withdrawal of suit.	E 5, p. 203	A 18; C 16—I.
Claim for indemnities in respect of the factory at Chorzów (merits). Date: 25 V 29. Gen. list: 25. (Order.)	Termination of proceedings by agreement.	E 5, p. 200	A 19; C 16—II.
Serbian loans issued in France. Date: 12 VII 29. Gen. list: 34. (Judgm. 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.	E 5, p. 205	A 20; C 16—III.
Brazilian Federal loans issued in France. Date: 12 VII 29. Gen. list: 33. (Judgm. 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.	E 5, p. 216	A 21; C 16—IV.
Territorial jurisdiction of the International Commission of the River Oder. Date: 15 VIII 29. Gen. list: 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.	E 6, p. 217	A 23; C 17—II.

Name of case.	Summary.	Short report.	Relevant documents.
Free zones of Upper Savoy and the District of Gex. Date : 19 VIII 29. Gen. list : 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 Art. 435 of the Treaty of Versailles. Fixing of a time-limit.	E 6, p. 201	A 22 ; C 17—I (4 vols.).
Territorial jurisdiction of the International Commission of the River Oder. Date : 20 VIII 29. Gen. list : 36. (Order.)	Inadmissibility in evidence of preliminary work in which all Parties to a case have not participated.	E 6, p. 217	A 23 ; C 17—II.
Territorial jurisdiction of the International Commission of the River Oder. Date : 10 IX 29. Gen. list : 36. (Judgm. 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.	E 6, p. 218	A 23 ; C 17—II.
The Greco-Bulgarian "Communities". Date : 31 VII 30. Gen. list : 37. (Opin. No. 17.)	Interpretation of the Convention between Greece and Bulgaria respecting Reciprocal Emigration, dated Nov. 27th, 1919 : the communities, their rights, their dissolution ; the powers of the Mixed Commission.	E 7, p. 245	B 17 ; C 18—I.
Danzig and the International Labour Organization. Date : 26 VIII 30. Gen. list : 38. (Opin. 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 L. N.	E 7, p. 255	B 18 ; C 18—II.
Free zones of Upper Savoy and the District of Gex (2nd phase). Date : 6 XII 30. Gen. list : 32. (Order.)	Interpretation of Art. 435 of the Treaty of Versailles : the Order of Aug. 19th, 1929. Respect for the treaty rights of Switzerland ; respect for the 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.	E 7, p. 233	A 24 ; C 19, vols. I, II, III, IV and V.

Name of case.	Summary.	Short report.	Relevant documents.
Access to German Minority Schools in Polish Upper Silesia. Date: 15 V 31. Gen. list: 40. (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, Art. 69, 74, 131, 132 and 149. Resolutions of the Council of L. N. of March 12th and Dec. 8th, 1927, institution by way of exception of language tests. Judgment of P. C. I. J. of April 26th, 1928, the German Govt. *v.* the Polish Govt., 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.	E 7, p. 261	A/B 40; C 52.
Customs régime between Germany and Austria (Protocol of March 19th, 1931.) Date: 5 IX 31. Gen. list: 41. (Opinion.)	Treaty of Peace of Saint-Germain of Sept. 10th, 1919, Art. 88, and Geneva Protocol No. I of Oct. 4th, 1922. Inalienability of the independence of Austria. Acts calculated to compromise this independence. Projected Austro-German Customs Union. Question of compatibility.	E 8, p. 216	A/B 41; C 53.
Railway traffic between Lithuania and Poland. Date: 15 X 31. Gen. list: 39. (Opinion.)	Transit by railway. Covenant of L. N., Art. 23 (*e*); Convention of Paris concerning Memel of 1924, Annex III, Art. 3; Convention of Barcelona of 1921 on Transit; Statute, Art. 2 and 7. Relations between Lithuania and Poland: Resolutions of the Council of L. N. of Dec. 10th, 1927, and Dec. 14th, 1928.	E 8, p. 221	A/B 42; C 54.
Access to and anchorage in the port of Danzig for Polish war vessels. Date: 11 XII 31. Gen. list: 44. (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 L. N. (defence of the Free City). Treaty of Versailles, Art. 102-104. Danzig-Polish Convention of Nov. 9th, 1920, Art. 20, 26, 28. Resolutions of the Council of L. N. of Nov. 17th, 1920, and June 22nd, 1921.	E 8, p. 226	A/B 43; C 55.
Treatment of Polish nationals, etc., at Danzig. Date: 4 II 32. Gen. list: 42. (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 Nov. 9th, 1920; Constitution of the Free City; guarantee of the Constitution by L. N. The right of Poland to submit to the High Commissioner of L. N. at Danzig disputes concerning the Constitution (Treaty of Versailles, Art. 103; Convention of Paris, Art. 39). Interpretation of Art. 104: 5 of the	E 8, p. 232	A/B 44; C 56.

Name of case.	Summary.	Short report.	Relevant documents.
	Treaty of Versailles; relation between that provision and Art. 33, para. 1, of the Convention of Paris; interpretation of the latter provision.		
Caphandaris-Molloff Agreement of Dec. 9th, 1927. Date: 8 III 32. Gen. list: 45. (Opinion.)	Interpretation of the Caphandaris-Molloff Agreement. Competence of the Council of L. N. under Art. 8 of the aforesaid Agreement. Bulgarian reparations debt (Treaty of Peace of Neuilly of Nov. 27th, 1919, Art. 121; Agreement of The Hague of Jan. 20th, 1930; Trust Agreement of March 5th, 1931). Greek debt to Bulgaria for reciprocal and voluntary emigration (Convention of Neuilly of Nov. 27th, 1919; Emigration Regulation of March 6th, 1922; Plan of Payments of Dec. 8th, 1922; Caphandaris-Molloff Agreement of Dec. 9th, 1927). Application of the Hoover proposal of June 20th, 1931, to the aforesaid debts (Report of the Committee of Experts of Aug. 11th, 1931; Resolutions of the Council of L. N. of Sept. 19th, 1931; Greco-Bulgarian Arrangement of Nov. 11th, 1931). Jurisdiction of the Court in advisory procedure (Art. 14 of the Covenant of L. N.).	E 8, p. 238	A/B 45; C 57.
Free zones of Upper Savoy and the District of Gex. Date: 7 VI 32. Gen. list: 32. (Judgment.)	Interpretation of Art. 435, para. 2, of 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 Nov. 20th, 1815; Act of the Congress of Vienna of June 9th, 1815; declarations of the Powers of March 20th and 29th and Nov. 20th, 1815; Protocol of Nov. 3rd, 1815; Acts of Accession of the Helvetic Diet of May 27th and Aug. 12th, 1815; Treaty of Turin of March 16th, 1816; Manifesto, etc., of Sept. 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.	E 8, p. 191	A/B 46; C 58.

Name of case.	Summary.	Short report.	Relevant documents.
Interpretation of the Statute of Memel (jurisdiction). Date: 24 VI 32. Gen. list: 50. (Judgment.)	Convention of May 8th, 1924, concerning Memel, Art. 17: jurisdiction of the Council of L. N. and of the Court; is the jurisdiction of the Court conditional on prior consideration of the dispute by the Council?	E 8, p. 207	A/B 47; C 59.
South-Eastern territory of Greenland. Date: 2 VIII 32. Gen. list: 52 and 53. (Order.)	Joinder of the two Applications.	E 9, p. 119	A/B 48; C 69.
South-Eastern territory of Greenland. Date: 3 VIII 32. Gen. list: 52 and 53. (Order.)	Dismissal of a request for indication of interim measures of protection; Art. 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.	E 9, p. 119	A/B 48; C 69.
Interpretation of the Statute of Memel. Date: 11 VIII 32. Gen. list: 47. (Judgment.)	Convention of May 8th, 1924, concerning Memel; Statute of the Memel Territory annexed to the aforesaid Convention. Interpretation, in particular, of Art. 1, 2 and 17 of the Convention, and of Art. 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 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.	E 9, p. 122	A/B 49; C 59.
Employment of women during the night. Date: 15 XI 32. Gen. list: 48. (Opinion.)	Convention of Washington (1919) concerning "the employment of women during the night": applicability to certain categories of women, other than those employed in manual work. Principles of interpretation. Influence of the fact that this is a Labour Convention (Part XIII of Treaty of Versailles). Influence of the origin and antecedents of the Convention (Convention of Berne of 1906). Preparatory work and provisions of conventions adopted at the same time as the Convention concerning the employment of women during the night (the "eight-hour day" Convention).	E 9, p. 131	A/B 50; C 60.

Name of case.	Summary.	Short report.	Relevant documents.
Territorial waters between Castellorizo and Anatolia. Date: 26 I 33. Gen. list: 46. (Order.)	Withdrawal of the suit. Termination of the proceedings.	E 9, p. 136	A/B 51; C 61.
Prince von Pless. Date: 4 II 33. Gen. list: 49. (Order.)	Joinder of the preliminary exception to the merits of the case and fixing of new time-limits.	E 9, p. 138	A/B 52; C .
Eastern Greenland. Date: 5 IV 33. Gen. list: 43. (Judgment.)	Norwegian declaration of occupation of July 10th, 1931; its legality and validity.—Danish title to sovereignty over Greenland resulting from a continuous and peaceful exercise of the authority of the State. Facts establishing the will and intention to act as sovereign and the display or effective exercise of such authority (before 1915; after 1921). Influence on this title of the steps taken by Denmark between 1915 and 1921 to obtain from the Powers recognition of her sovereignty over all Greenland.—Engagements on the part of Norway involving recognition of Danish sovereignty over Greenland, or an obligation not to dispute that sovereignty or not to occupy territory in Greenland: express renunciation; conclusion of international agreements implying recognition of Danish sovereignty: the "Ihlen declaration" (July 1919).—Meaning of the term "Greenland": colonized area or Greenland as a whole. Burden of proof.—Treaty of Kiel of Jan. 14th, 1814. Convention of Stockholm of Sept. 1st, 1819. Convention of Copenhagen of July 9th, 1924, and notes signed the same day by the Parties to the Convention.	E 9, p. 141	A/B 53; C 62 to 67.
Prince von Pless (interim measures of protection). Date: 11 V 33. Gen. list: 49, 55. (Order.)	Application for the indication of interim measures of protection. Note taken of the declarations of the Parties concerning this Application. The application ceases to have any object.	E 9, p. 152	A/B 54; C .

Name of case.	Summary.	Short report.	Relevant documents.
South-Eastern territory of Greenland. Date : 11 V 33. Gen. list : 52 and 53. (Order.)	Withdrawal of the suit. Termination of the proceedings.	E 9, p. 155	A/B 55 ; C 69.
Appeals from certain judgments of the Hungaro-Czechoslovak M. A. T. Date : 12 V 33. Gen. list : 51, 54, 56, 57. (Order.)	Withdrawal of the suit. Termination of the proceedings.	E 9, p. 156	A/B 56 ; C 68.

GENERAL LIST OF THE COURT.

The Seventh Annual Report has reproduced, on pages 199 to 231, the data given in the general list for the 43 cases which had been submitted to the Court up till July 12th, 1931. The tables which are reproduced on pages 178 to 189 of the Eighth Annual Report have supplemented these data up till August 12th, 1932. On the other hand, the tables which follow hereafter (pp. 105-113) give the data from the general list concerning the cases decided by the Court since August 12th, 1932, and the cases pending before the Court on July 15th, 1933.

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 (1st 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. 43.

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 Danish Govt.

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. 21 X 32.

XVI. 26th (extraordin.) Session.

Entry approved on 13 VII 31.

XVII.

XVIII. Judgment: 5 IV 33.

XIX.

XX. Series A./B., Vol. 53.
,, C., ,, 62-67.
,, E., ,, 9, p. 141.

Notes.

(1) By Order dated 18 VI 32, the Court, at the instance of the Danish Govt., 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 Govt. not submit any request for an extension of this time-limit, and until 14 X 32, should that Govt. submit such a request. As a request to this effect was made, the date was automatically fixed for 14 X 32.

Fol. No. 46.

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 Agreement.

X. Date of Special Agreement, 30 V 29. (Came into force 3 VIII 31.)
Date of the document notifying the Special Agreement, 18 XI 31.

Entry approved on 19 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-XV.

XVI. 26th (extraordin.) Session.

XVII.

XVIII. Order of Court recording the fact that the Parties intend to break off the proceedings, 26 I 33.

XIX. Struck off the Gen. List: 26 I 33.

XX. Series A./B., Vol. 51.
,, C., ,, 61.
,, E., ,, 9, p. 136.

Notes.

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

Fol. 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 Art. 73, No. 1, para. 2, of the Rules of Court:*
I. L. O., 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, I. L. O., International Federation of Trades Unions, International Confederation of Christian Trades Unions, Germany;

(*c*) *accorded a hearing by the Court:*
Great Britain, Germany, I. L. O., International Confederation of Christian TradesUnions, International Federation of Trades Unions.

VIII.

IX. Request signed by the Secretary-General of L. N.

X. 10 V 32. (Council's Resolution, 9 V 32.)
Entry approved on 12 V 32.

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

XII. 20 IX 32. See note 4.

XIII. 21 IX 32.

XIV.

XV. 14 X 32.

XVI. 26th (extraordin.) Session.

XVII.

XVIII. Advisory Opinion: 15 XI 32.

XIX.

XX. Series A./B., Vol. 50.
,, C., ,, 60.
,, E., ,, 9, p. 131.

Notes.

(1) *In connection with the case, a communication was addressed to the following, drawing their attention to the terms of Art. 73, No. 1, para. 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.

(4) The President of the Court, by an Order dated 6 IX 32, fixed 20 IX 32 as the date of expiry of the time-limit by which written statements might be filed by States or organizations which had submitted first written statements, and by which written statements might be filed by States and organizations to which the Request had been notified but which had not filed statements within the first time-limit fixed for that purpose.

(5) The written statement of the German Govt. was filed on 21 IX 32. The President of the Court decided to accept it, although filed after the time-limit fixed by the Order of 6 IX 32.

Fol. No. 49.

I. 49.

II. **Prince von Pless (merits).**

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 German Govt.

X. 18 V 32.

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

XII. *First prolongation:*
22 VII 32 (Case).
7 IX 32 (Counter-Case).
7 X 32 (Reply).
7 XI 32 (Rejoinder).
Second prolongation:
10 X 32 (Counter-Case).
10 XI 32 (Reply).
10 XII 32 (Rejoinder).
Third prolongation:
15 VIII 33 (Counter-Case).
15 IX 33 (Reply).
15 X 33 (Rejoinder).
Fourth prolongation:
29 XII 33 (Counter-Case).
Entry approved on 18 V 32.
31 I 34 (Reply).
28 II 34 (Rejoinder).

XIII-XVI.

XVII. No. 55.

XVIII-XIX.

XX. Series A./B., Vol. 52, 54.
,, C., ,,
,, E., ,, 9, p. 138.

Notes.

(1) On 25 VII 32, the Court decided to call upon the Applicant, in accordance with Art. 40, para. 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.

(2) By Order dated 4 II 33, the Court joined the prelim. objection raised by the Polish Govt. to the merits.

(3) Request of German Govt. asking for the indication of a measure of interim protection, dated 2 V 33, filed 3 V 33. Order of Court declaring that the above Request has ceased to have any object, 11 V 33.

Fol. No. 51.

Entry approved on 11 VII 32.

I. 51.

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

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 Czechoslovak Govt.

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

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

XII.

XIII. 9 IX 32.

XIV-XV.

XVI. 28th (extraordin.) Session.

XVII. No. 56.

XVIII. Order of Court recording the Czechoslovak Govt.'s withdrawal of the suit and the Hungarian Govt.'s acquiescence in this withdrawal, 12 V 33.

XIX. Struck off the Gen. List: 12 V 33.

XX. Series A./B., Vol. 56.
,, C., ,, 68.
,, E., ,, 9, p. 156.

Notes.

(1) In an Order made on 18 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 4 VI 20 and to Agreement No. II of Paris of 28 IV 30, other than the States concerned in the case, were notified of the filing of the Application.

Fol. No. 52.

Entry approved on 18 VII 32.

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 Norwegian Govt.

X. 18 VII 32.

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

XII. *First prolongation:*
1 IV 33 (Cases).
15 V 33 (Counter-Cases).
Second prolongation:
1 VI 33 (Cases).
15 VII 33 (Counter-Cases).

XIII-XV.

XVI. 28th (extraordin.) Session.

XVII. No. 53.

XVIII. Order of Court recording the withdrawal by the Parties of their respective Applications, 11 V 33.

XIX. Struck off the Gen. List : 11 V 33.

XX. Series A./B., Vol. 48, 55.
,, C., ,, 69.
,, E., ,, 9, p. 155.

Notes.

(1) In its Application, the Norwegian Govt. 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 Govt. and by the Danish Govt. 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.

Fol. 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 Danish Govt.

X. 18 VII 32.

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

XII. *First prolongation :*
1 IV 33 (Cases).
15 V 33 (Counter-Cases).
Second prolongation :
1 VI 33 (Cases).
15 VII 33 (Counter-Cases).

XIII-XV.

XVI. 28th (extraordin.) Session.

XVII. No. 52.

Entry approved on 18 VII 32.

XVIII. Order of Court recording the withdrawal by the Parties of their respective Applications, 11 V 33.

XIX. Struck off the Gen. List : 11 V 33.

XX. Series A./B., Vol. 48, 55.
,, C., ,, 69.
,, E., ,, 9, p. 155.

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 Govt. and by the Norwegian Govt. 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.

Fol. No. 54.

I. 54.

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

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 Govt.

X. 20 VII 32.

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

XII.

XIII. 9 IX 32.

XIV-XV.

XVI. 28th (extraordin.) Session.

XVII. No. 57.

Entry approved on 25 VII 32.

XVIII. Order of Court recording the Czechoslovak Govt.'s withdrawal of the suit and the Hungarian Govt.'s acquiescence in this withdrawal, 12 V 33.

XIX. Struck off the Gen. List: 12 V 33.

XX. Series A./B., Vol. 56.
,, C., ,, 68.
,, E., ,, 9, p. 156.

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 4 VI 20, and to Agreement No. II of Paris of 28 IV 30, other than the States concerned in the case, were notified of the filing of the Application.

Fol. No. 55.

I. 55.

II. **Prince von Pless (jurisdiction).**

III. 8 X 32.

IV. I. II. 6241.

V. E. c. XXIV. 10.

VI. Contentious case.

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

VIII.

IX. Prelim. objection raised by Polish Govt.

X. 1 X 32.

XI. 31 X 32 (Reply to objection).

XII.

Entry approved on 8 X 32.

XIII. 31 X 32.

XIV.

XV. 7 XI 32.

XVI. 26th (extraordin.) Session.

XVII. No. 49.

XVIII-XIX.

XX. Series A./B., Vol. 52.
,, C., ,, .
,, E., ,, 9, p. 138.

Notes.

(1) By Order dated 4 II 33, the Court joined the prelim. objection raised by the Polish Govt. to the merits of the suit.

Fol. No. 56.

I. 56.

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

III. 24 X 32.

IV. I. II. 6393.

V. E. c. XXV. 3.

VI. Contentious case.

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

VIII.

IX. Prelim. objection raised by Hungarian Govt.

X. 20 X 32.

XI. 16 I 33 (Reply to objection).

XII.

XIII. 28 II 33.

XIV-XV.

XVI. 28th (extraordin.) Session.

XVII. Nos. 51, 57.

XVIII. Order of Court recording the Czechoslovak Govt.'s withdrawal of the suit and the Hungarian Govt.'s acquiescence in this withdrawal, 12 V 33.

Entry approved on 24 X 32.

XIX. Struck off the Gen. List: 12 V 33.

XX. Series A./B., Vol. 56.
,, C., ,, 68.
,, E., ,, 9, p. 156.

Notes.

(1) By Order dated 26 X 32, the Court joined the prelim. objections submitted by documents filed with the Registry on 24 X 32 (Gen. List, Nos. 56, 57).

(2) On 26 X 32, the Court decided to call upon the two Parties to explain, before 16 I 33, their respective views as to the scope of Art. X of Agreement No. II, signed at Paris on 28 IV 30, in relation to the statutory provisions which govern the jurisdiction and working of the Court. This time-limit was subsequently extended until 28 II 33.

(3) In accordance with Art. 63 of the Statute and Art. 60 of the Rules, the Parties to Agreement No. II of Paris of 28 IV 30, other than the States concerned in the case, were notified of the prelim. objection raised by the Hungarian Govt.

Fol. No. 57.

I. 57.

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

III. 24 X 32.

IV. I. II. 6394.

V. E. c. XXVIII. 3.

VI. Contentious case.

Entry approved on 24 X 32.

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

VIII.

IX. Prelim. objection raised by Hungarian Govt.

X. 20 X 32.

XI. 16 I 33 (Reply to objection).

XII.

XIII. 28 II 33.

XIV-XV.

XVI. 28th (extraordin.) Session.

XVII. Nos. 54, 56.

XVIII. Order of Court recording the Czechoslovak Govt.'s withdrawal of the suit and the Hungarian Govt.'s acquiescence in this withdrawal, 12 V 33.

XIX. Struck off the Gen. List: 12 V 33.

XX. Series A./B., Vol. 56.
,, C., ,, 68.
,, E., ,, 9, p. 156.

Notes. [*See notes to Fol. No.* 56.]

Fol. No. 58.

I. 58.

II. **Appeal against a judgment delivered on Feb. 3rd, 1933, by the Hungaro-Czechoslovak Mixed Arbitral Tribunal (Peter Pázmány University v. the State of Czechoslovakia).**

III. 9 V 33.

IV. I. II. 8067.

V. E. c. XXX. 2.

VI. Contentious case.

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

VIII.

IX. Application of Czechoslovak Govt.

Entry approved on 9 V 33.

X. 3 V 33.

XI. 15 VI 33 (Case).
14 VII 33 (Counter-Case).
7 VIII 33 (Reply).
1 IX 33 (Rejoinder).

XII-XX.

Notes.

(1) In accordance with Art. 63 of the Statute and Art. 60 of the Rules, the Parties to the Treaty of Trianon of 4 VI 20, and to Agreement No. II of Paris of 28 IV 30, other than the States concerned in the case, were notified of the filing of the Application.

Fol. No. 59.

I. 59.

II. **Lighthouses case between France and Greece.**

III. 23 V 33.

IV. I. II. 8155.

V. E. c. XXXI. 1.

Entry approved on 23 V 33.

VI. Contentious case.

VII. France, Greece.

VIII.

IX. Special Agreement.

X. Date of Special Agreement, 15 VII 31.

XI-XX.

Fol. No. 60.

I. 60.

II. **The Polish agrarian reform and the German minority.**

III. 3 VII 33.

IV. I. II. 8446.

V. E. c. XXXII. 1.

VI. Contentious case.

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

VIII.

IX. Application of German Govt.

X. 1 VII 33.

XI. 1 IX 33 (Case).
27 X 33 (Counter-Case).

Entry approved on 3 VII 33.

XII-XV.

XVI. 29th (extraordin.) Session.

XVII-XX.

Notes.

(1) Application by German Govt. for indication of interim measures of protection, dated 1 VII 33, filed 3 VII 33.

(2) By Order dated 4 VII 33, the Acting President of the Court reserved the right of the Court subsequently to fix the dates for the filing of the Reply and Rejoinder.

CHAPTER V.

JUDGMENTS, ORDERS AND ADVISORY OPINIONS.

EFFECTS OF OPINION No. 14 OF DECEMBER 8th, 1927.

JURISDICTION OF THE EUROPEAN COMMISSION OF THE DANUBE [1].

In the Fifth Annual Report (p. 223), a brief description was given of a draft convention, dated Geneva, March 20th, 1929, drawn up by a special committee of the Advisory and Technical Committee for Communications and Transit, in collaboration with the delegates upon the European Commission, following upon negotiations entered into after the delivery of the Court's Opinion. As this convention could not be put into force, fresh negotiations followed and, on May 17th, 1933, the delegates of France, Great Britain, Italy and Roumania agreed upon the following arrangement:

> "The delegates of France, Great Britain, Italy and Roumania, assembled at Galatz in plenary session of the European Commission of the Danube,
>
> whereas, at the meeting held in Paris on March 13th, 1932, following upon the negotiations which had taken place between their respective Governments with the assistance of a special committee of the League of Nations regarding the jurisdiction of this Commission, they held that the Convention initialled on March 20th, 1929, could not be put into force until the operative regulations mentioned in Article 10 of that Convention had been drawn up, and whereas it proved impossible to reach agreement in regard to some points of these regulations; whereas, moreover, at that time, economic conditions in general, and the financial position of the Commission and of Roumania in particular, did not seem favourable for a modification of the existing judicial organization on the lines contemplated, and as, accordingly, it did not seem expedient to continue negotiations

[1] See E 4, p. 201.

the results of which—if indeed any definite results were reached —could not be applied;

whereas they then unanimously decided temporarily to adopt, subject to the approval of their Governments, a *modus vivendi*, drawn up on March 13th, 1932;

whereas this *modus vivendi* was supplemented by the additional declaration signed at Semmering on July 27th, 1932, by the delegates of France, Great Britain, and Roumania, which declaration was modified at Dresden in July 1932 on the proposal of the Roumanian delegate and subsequently signed by all the delegates;

whereas, in a letter of August 30th, 1932, the Roumanian delegate submitted certain objections of his Government to the adoption of point 1 of paragraph 1 of the declaration and as, after an exchange of correspondence, this modification was adopted by the four Governments;

Record this agreement between the Governments upon the text of the *modus vivendi* as thus modified and upon that of the additional declaration, which texts now read as follows:

I.—*Modus vivendi.*

1.—Roumania agrees to abstain from disputing the complete jurisdiction of the European Commission of the Danube from the sea to Braila (kl. 174).

On the other hand, the Commission agrees to abstain from exercising its judicial powers between Braila and Galatz and to observe the following arrangements:

(*a*) With regard to vessels navigating to or from Braila and not calling at Galatz, the Commission's Inspector of Navigation shall exercise his authority exclusively between the port of Soulina and *mille* 79.

(*b*) With regard to vessels ascending the river and calling at Galatz, the authority of the Inspector of Navigation shall cease when the port of Galatz pilot takes over his duties on board or, if no pilot of the port is on board, when the vessel begins to take up its moorings or to come alongside in the port. Nevertheless, the port of Galatz pilot shall not take up his duties below *mille* $77\frac{1}{2}$.

(*c*) With regard to descending vessels calling at Galatz, the authority of the Inspector of Navigation shall only begin when the vessel resumes its voyage on leaving Galatz, or when the port of Galatz pilot, if on board, ceases his duties, which, in any event, shall not be continued beyond *mille* $77\frac{1}{2}$.

2.—The Commission agrees that, in the event of a vacancy in the appointment of captain of the port of Soulina, it will fill the vacancy from amongst candidates of Roumanian nationality.

II.—*Declaration.*

The delegates of France, Great Britain and Italy upon the European Commission of the Danube—after considering the

observations of the legal adviser to the Roumanian Ministry for Foreign Affairs regarding the interpretation to be placed upon the *modus vivendi* signed this day concerning the jurisdiction of the European Commission of the Danube—confirm, on behalf of their respective Governments, that the two first paragraphs of point I of the *modus vivendi* form an inseparable whole and shall be mutually interdependent for the whole duration of the modus vivendi.

When this *modus vivendi* comes to an end, the Roumanian Government, like the three other Governments, reserves the right to revert to its previous legal position.

This declaration supplements the *modus vivendi* signed the same day and shall be communicated together with that instrument to the Advisory and Technical Committee of the League of Nations."

EFFECTS OF THE ADVISORY OPINION OF DECEMBER 11th, 1931.

ACCESS TO AND ANCHORAGE IN THE PORT OF DANZIG OF POLISH WAR VESSELS [1].

By a Resolution adopted on January 29th, 1932 (see E 8, p. 231), the Council expressed the opinion that since the legal points had been elucidated by the Court, the practical questions should be settled directly by the Parties. These practical points, which had been raised by the Polish Government's note of January 25th, 1932, concerned the harbour facilities to be granted to Polish war vessels. On August 13th, 1932, a protocol was signed at Danzig under the auspices of the High Commissioner of the League of Nations. This protocol settles these points and defines the facilities which Polish war vessels and all other Polish ships not used for commercial purposes may enjoy with reference to the generally recognized international rules, as applied at Danzig, concerning the access of warships of all nations to the port of Danzig and Danzig waters, and their stay in that port and in those waters [2].

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[1] See E 8, p. 226.

[2] The text of this protocol is reproduced in the *Official Journal of the League of Nations*, 1933, pp. 142-143.

EFFECTS OF THE OPINION OF FEBRUARY 4th, 1932.

TREATMENT OF POLISH NATIONALS AND OTHER PERSONS OF POLISH ORIGIN OR SPEECH IN DANZIG TERRITORY [1].

The Agreement concluded on November 26th, 1932, between Poland and the Free City of Danzig contains the following provisions concerning the question upon which the Court rendered its Opinion :

> "The Parties accept the conclusions of the Opinion given by the Permanent Court of International Justice on February 4th, 1932 (Appendix). The Polish request submitted to the High Commissioner on September 30th, 1930, and the documents relating to the procedure to which this gave rise have been replaced by the following provisions :
>
> 1. The Parties will enter into direct negotiations under the auspices of the High Commissioner (who will, if necessary, call in the assistance of experts) regarding the questions which the Polish Government wishes to be discussed. The Polish Government will communicate its desiderata in the matter to the Danzig Senate before December 20th, 1932.
>
> 2. The Polish Government reserves the right, should the negotiations not be completed before April 1st, 1933, to have recourse to the procedure laid down in Article 39 of the Treaty of Paris. In this case, an accelerated procedure will be applied."

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[1] See E 8, p. 232.

ORDERS OF AUGUST 2nd AND 3rd, 1932.

LEGAL STATUS OF THE SOUTH-EASTERN TERRITORY OF GREENLAND.

Institution of proceedings.

By a Royal Decree of July 12th, 1932, the Norwegian Government declared that it had proceeded to occupy the territory on the south-east of Greenland between latitudes 63° 40′ and 60° 30′ North. By an Application, accompanied by a request for interim measures of protection, dated July 18th, 1932, the Norwegian Government instituted proceedings against the Danish Government and asked for judgment to the effect that the placing of the above-mentioned territory under the sovereignty of Norway was legally valid. On the other hand, by means of an Application also dated July 18th, 1932, the Danish Government instituted proceedings against the Norwegian Government concerning the legal status of the same territory, and asked the Court for judgment to the effect that the promulgation of the Norwegian Decree of occupation of July 12th, 1932, and any steps taken in this respect by the Norwegian Government constituted a violation of the existing legal situation and were accordingly illegal and invalid.

Joinder of suits (Order of Aug. 2nd, 1932).

In its Order of August 2nd, 1932, the Court joined the two suits filed on July 18th, 1932, by the Norwegian and Danish Governments respectively. In the recitals of the Order, the Court observes that the two Applications are directed to the same object, namely the situation created by the Royal Norwegian Decree of July 12th, 1932. The situation with which the Court has to deal closely approximates, so far as concerns the procedure, to that which would arise if a special agreement had been submitted to it by the two Governments, parties to the dispute, indicating the subject of the dispute and the differing claims of the Parties; accordingly, the two Applications should be joined and the two applicant Governments held to be simultaneously in the position of Applicant and Respondent.

* * *

Request for interim measures of protection.

The Norwegian Government in its Application also asked the Court to decide forthwith and order the Danish Government, as an interim measure of protection, to abstain in the said territory from any coercive measure directed against

Norwegian nationals. In support of this request, it was alleged that there was serious reason to fear that the Danish Government might proceed to acts of violence against Norwegian nationals residing and exercising their calling in the territory in question. The Danish Government besought the Court to dismiss the Norwegian request for interim measures of protection as being purposeless and groundless.

Seeing that, under Article 57 of the Rules, the Court shall "only indicate measures of protection after giving the Parties an opportunity of presenting their observations on the subject", the Court decided to hold a public hearing when an opportunity would be afforded to the Parties to submit their observations orally. It also decided to admit judges *ad hoc*, since in this case their presence was not inconsistent with the urgent nature of interim measures of protection. At the hearing which was held on July 28th, 1932, the Court heard the statements, reply and rejoinder presented on behalf of the two Governments.

Composition of the Court.

The Court on this occasion was composed as follows: MM. ADATCI, *President;* GUERRERO, *Vice-President;* Baron ROLIN-JAEQUEMYNS, Count ROSTWOROWSKI, MM. FROMAGEOT, DE BUSTAMANTE, ALTAMIRA, ANZILOTTI, URRUTIA, Sir CECIL HURST, MM. SCHÜCKING, NEGULESCO, Jhr. VAN EYSINGA, M. WANG, *Judges.*

MM. VOGT and ZAHLE, appointed as judges *ad hoc* by the Norwegian and Danish Governments respectively, also sat on the Court for the purposes of the case.

* * *

Order of Aug. 3rd, 1932 (analysis).

In its Order of August 3rd, 1932, the Court first states that, under Article 41 of the Statute, it may proceed to indicate interim measures of protection both at the request of the Parties (or of one of them) and *proprio motu*. Considering in the first place the Norwegian request for interim measures, the Court observes that it has already ruled that the object of the measures of interim protection contemplated by the Statute is to preserve the respective rights of the Parties pending the decision of the Court, in so far, that is, as the damage threatening these rights would be irreparable in fact or in law. Adopting this standpoint, the Court observes that the Norwegian request is not based on the plea that the action which the Norwegian Government asks the Court to prevent would prejudice some recognized or alleged Norwegian right. Moreover, the incidents which the Application of the Norwegian Government aims at preventing cannot in any event, or to any degree, affect the existence or value of the sovereign rights claimed by Norway over the territory in question, were these rights to be duly recognized by the Court in its future judgment on the merits of the dispute; and these are the only rights which could possibly enter into account.

Again, it had been argued that, under Article 41 of the Statute, the Court could indicate interim measures of protection for the sole purpose of preventing regrettable events and unfortunate incidents. Without taking a final stand upon this point, the Court observes that, even adopting this broader interpretation of Article 41 of the Statute, there would seem to be no occasion to fear that the incidents contemplated by the Norwegian request will actually occur. In support of this view, the Court quotes the Parties' declarations which, taken together, are indicative of the existence in responsible circles in both countries of a state of mind and of intentions which are eminently reassuring. Moreover, these intentions having been officially proclaimed before the Court, the latter must not and cannot presume that the two Governments concerned might act otherwise than in conformity with the intentions thus expressed. In any event, no act on the part of these Governments in the territory in question can have any effect whatever as regards the legal situation which the Court is called upon to define; accordingly, the Parties can have no interest in causing acts to be performed likely to give rise to incidents.

Considering next whether there was ground for proceeding *proprio motu* to indicate interim measures of protection, the Court observes that the rights which it might be necessary to protect are solely such sovereign rights as the Court might, in giving judgment on the merits, recognize as appertaining to one or other of the Parties. Having regard to the character of these rights, considered in relation to the natural characteristics of the territory in issue, even "measures calculated to change the legal status of the territory" could not, according to the information at the Court's disposal at the time, affect the value of such alleged rights, once the Court in its judgment on the merits had recognized them as appertaining to one or other of the Parties; in any case, the consequences of such measures would not, in point of fact, be irreparable. Finally, the Court points out that both Parties are bound by Article 33 of the General Act for conciliation, judicial settlement and arbitration adopted at Geneva on September 26th, 1928: consequently, in the event of any infringement of the alleged rights, a legal remedy would be available.

For these reasons, the Court arrives at the conclusion that there is no necessity for the indication of interim measures of protection, either at the request of the Parties or *proprio motu*; and it dismisses the request of the Norwegian Government. It reserves, however, its right subsequently to consider whether circumstances should have arisen requiring the indication of provisional measures.

JUDGMENT OF AUGUST 11th, 1932 [1].

INTERPRETATION OF THE STATUTE OF THE MEMEL TERRITORY.

History of the case.

Under the Convention concerning Memel concluded at Paris on May 8th, 1924, between the British Empire, France, Italy and Japan, of the one part, and Lithuania, of the other part, the Memel Territory constitutes, under the sovereignty of Lithuania, a unit enjoying legislative, judicial, administrative and financial autonomy, within the limits prescribed by the Statute which is annexed to the Convention and which, under Article 16 of the Convention, is to be considered as constituting for all purposes part thereof. It was the intention of all Parties to the Convention that the autonomy to be conferred on Memel was to be real and effective, that is to say that it was to give the people of Memel the right and the power to manage their own local affairs in their own way.

On December 17th, 1931, M. Böttcher, who at that time was President of the Memel Directorate, the body which, under the Memel Statute, exercises the executive power in the Territory, made a journey to Berlin. The Lithuanian Government were unaware of the journey; the facts only became known to them at a later date. The expenses of the journey were defrayed out of the public funds of the Territory. While at Berlin, M. Böttcher had interviews with public officials at the German Food Ministry and also at the Ministry for Foreign Affairs.

When the Governor of Memel became aware of the facts, he informed M. Böttcher, on December 27th, 1931, that he (M. Böttcher) no longer possessed his (the Governor's) confidence and advised him to resign. On January 25th, 1932, M. Böttcher not having resigned, the Governor reported the facts to the Memel Chamber of Representatives in a letter which was read to the Chamber that day, and M. Böttcher, on his side, also made a statement. Thereupon, the Chamber expressed its continued confidence in M. Böttcher by a vote of fifteen to four with six abstentions. On February 6th, the Governor dismissed M. Böttcher from the Presidency. On the same day the Governor invited M. Žygaudas, who was already a member of the Directorate, to take over the duties of M. Böttcher. M. Žygaudas declined, and the Governor then

[1] For summary of the judgment, see p. 101.

instructed M. Tolišius, an official of the Directorate, to act as President *ad interim*. The two members of the Directorate, other than the President, were also relieved of their offices.

The German Government submitted the matter to the Council of the League of Nations in pursuance of Article 17, paragraph 1, of the Memel Convention, and on February 20th, 1932, the Council adopted a report which, in view of the complexity of the matter, did not attempt to solve the questions of law involved—in particular the question whether M. Böttcher's dismissal was lawful—but pointed to the fact that the situation called for urgent steps to prevent its aggravation and that the establishment of a Directorate enjoying the confidence of the Chamber of Representatives was an absolute necessity.

On February 23rd, M. Böttcher forwarded to the Governor his resignation from the post of President of the Directorate. The majority parties not having suggested nominees for the post of President of the Directorate, the Governor appointed a certain M. Simaitis. When the Directorate formed by M. Simaitis presented itself to the Chamber, the latter refused its confidence, whereupon the Chamber was dissolved by decree of the Governor on March 22nd.

From the time of the proceedings at Geneva before the Council, the four Powers who were Parties with Lithuania to the Convention of Memel had been interesting themselves in affairs at Memel and had informed the Lithuanian Government that they would regard the dissolution of the Chamber as contrary to the recommendations of the Council of the League of Nations and would be obliged to consider whether it did not constitute a new infraction of the Memel Convention.

After the dissolution of the Chamber, the four Powers submitted the case to the Court by means of a unilateral Application filed with the Registry of the Court on April 11th, 1932.

In the Application, which relies on the jurisdictional clause in Article 17 of the Memel Convention, the applicant Powers state the subject of the dispute in the following terms: **Application.**

"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."

Procedure. The applicant Powers having renounced their right to present a written Reply, time-limits were fixed only for the presentation of a Case and of a Counter-Case. By a document filed at the same time as its Counter-Case, the Lithuanian Government objected that the Court had no jurisdiction to deal with points 5 and 6 of the Application above mentioned.

In these circumstances, the Lithuanian Government, in its Counter-Case, only presented observations on questions 1 to 4 of the Application of the applicant Powers.

By a judgment given on June 24th, 1932[1], the Court overruled the Lithuanian preliminary objection and retained points 5 and 6 of the Application for judgment on the merits. A Counter-Case on these points was filed by the Lithuanian Government within the time-limit fixed for the purpose.

In the Case of the applicant Powers it is submitted:

"(*a*) that the Governor of the Memel Territory has no right to dismiss the President of the Directorate;

(*b*) that the termination of the appointment of the President of the Directorate does not *ipso facto* entail the termination of the appointments of the other members of the Directorate;

(*c*) that the appointment of the Directorate presided over by M. Simaitis was not in order, in the circumstances in which it took place;

(*d*) that the dissolution of the Memel Diet, carried out by the Governor of the Territory on March 22nd, 1932, when the Directorate presided over by M. Simaitis had not received the confidence of the Diet, was not in order".

The first Lithuanian Counter-Case contains the following "general submissions":

"(1) that the Governor of the Memel Territory is entitled to dismiss the President of the Directorate;

(2) that, in any event, the Governor of the Memel Territory is entitled to dismiss the President of the Directorate in the following cases:

(*a*) when the President has committed acts which compromise the sovereignty or unity of the Lithuanian State;

(*b*) when the President has encroached upon the powers of the central authority;

(*c*) when the President has exercised his powers in disregard of the principles of the Lithuanian Constitution;

[1] See E 8, pp. 207-210

(*d*) when the President opposes the adoption by the local authorities of the measures necessary to apply in Memel international treaties concluded by Lithuania dealing with matters which are within the competence of the local authorities;

(*e*) when the President opposes the adoption by the local authorities of the measures necessary to execute the provisions of the Statute and of those laws of the Republic which are applicable to the Territory;

(3) that the dismissal of the President of the Directorate by the Governor entails the termination of the duties of the other members, who may only conduct current affairs of their departments if specially commissioned thereto by the Governor;

(4) that the dismissal of M. Böttcher by the Governor of Memel on February 6th, 1932, was, in the circumstances in which it was effected, quite regular."

In the second Counter-Case it is submitted:

"That since points 5 and 6 of the Application of April 11th, 1932, by the Governments of France, Great Britain, Italy and Japan do not relate to differences of opinion between the said Governments and Lithuania upon questions of law or fact concerning the provisions of the Convention of Paris of May 8th, 1924, but only to a difference of views between the five Governments as to the political expediency of certain acts of the Lithuanian authority at Memel which do not come under Article 17, paragraph 2, these points cannot be entertained by the Court.

Alternatively, in the event of the Court not deciding that points 5 and 6 of the Application of the four Governments are inadmissible, that:

(1) the appointment of the Directorate presided over by M. Simaitis is in order in the circumstances in which it took place;

(2) the dissolution of the Diet carried out by the Governor of the Memel Territory on March 22nd, 1932, is in order."

In the course of public sittings held on June 8th, 13th, 14th, 16th and 18th (points 1-4) and July 11th, 12th and 13th, 1932 (points 5 and 6), the Court heard the statements, observations, replies and rejoinder presented on behalf of the Parties.

Composition of the Court.

For the examination of this case, the Court was composed as follows: MM. GUERRERO, *Vice-President, acting as President*[1]; 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, who was appointed as judge *ad hoc* by the Lithuanian Government, also sat on the Court for the purposes of the case.

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[1] The President, being a national of one of the Parties concerned in the case, handed over the functions of President to the Vice-President, in accordance with Article 13 of the Rules of Court.

* * *

Judgment (analysis).

The Court gave judgment on August 11th, 1932.

Before proceeding with its consideration of the case, the Court draws attention to the inconvenience resulting from the fact that the first three questions in the Application are formulated purely *in abstracto* and in terms which go beyond the facts out of which the dispute has arisen and, so far as the Court is able to judge from the documents laid before it, go beyond the question of law or fact on which the Parties to the dispute had differed in opinion before the initiation of the proceedings on April 11th, 1932; these terms might therefore raise doubts as to the jurisdiction of the Court which, in this case, depends on Article 17, paragraph 2, of the Memel Convention.

Proceeding then to consider *point* 1 *of the Application*, the Court observes, in connection with the question whether the right of dismissal is implied in the Statute (though not expressly provided for), that the Convention of Paris of 1924 and the Statute annexed to it must be considered as a whole in order to understand the régime which the four Powers and Lithuania intended to establish for the Memel Territory. In regard to this, the Court arrives at the following conclusions:

Whilst Lithuania was to enjoy full sovereignty over the ceded territory, subject to the limitations imposed on its exercise, the autonomy of Memel was only to operate within the limits so fixed and expressly specified. In view more especially of Article 7 of the Statute of Memel (according to which affairs which are not within the jurisdiction of the local authorities of the Memel Territory shall be within the exclusive jurisdiction of the competent organizations of the Lithuanian Republic), the Court holds that it is impossible to deny to Lithuania the exercise of certain rights simply because they are not expressly provided for in the Statute.

As regards the autonomous legislative power, this only exists within the prescribed limits of the autonomy, as is shown by the express provisions of the Statute; the Governor exercises a right of veto in order to ensure the observance of these provisions. There is no express corresponding rule as regards the executive power. Article 17 of the Statute simply says: "The Directorate shall exercise the executive power in the Memel Territory." Nevertheless, the Court finds it impossible to believe that it was the intention of the Convention to leave Lithuania, the sovereign of the Memel Territory, with no remedy whatever if the executive authorities at Memel violated the Statute by acting in a manner beyond their powers. The Court holds that this conclusion is not shaken by the provisions

in Article 17 to the effect that the President shall hold office so long as he possesses the confidence of the Chamber. This provision cannot, in the opinion of the Court, be isolated from the rest of the Article in which it appears. To place upon these words the meaning that the right to continue to hold office conferred upon the President of the Directorate is absolute and persists in all cases so long as the Chamber supports him, would result in a President being able to violate the Statute and to flout the authorities of the Lithuanian Government so long as he carried the Chamber with him. Such an interpretation would destroy the general scheme of the Convention of Paris and the Statute annexed to it. The Court therefore is led to the conclusion that, under the proper interpretation of the Statute, the Governor must be regarded as entitled to watch the acts of the executive power in Memel, in order to see that such acts do not exceed the limits of the competence of the local authorities, as laid down by the Statute, nor run counter to the stipulations of Article 6 of the Statute (according to which the local authorities of the Memel Territory, in exercising the powers conferred upon them, shall conform to the principles of the Lithuanian Constitution) or to the international obligations of Lithuania. In the view of the Court, the means of making this right effective are to be found in the right of the Governor to dismiss the President of the Directorate. But such dismissal would constitute a legitimate and appropriate measure of protection of the interests of the State only in cases in which the acts complained of were serious acts calculated to prejudice the sovereign rights of Lithuania and violating the provisions of the Memel Statute, and when no other means are available.

With regard to the *second point in the Application*, the Court observes that the broad principle laid down by it as governing the exercise of the right of dismissal is sufficient to indicate the conditions and circumstances in which such a right would exist. Whether or not such conditions or circumstances were present would always depend on the facts of the particular case.

As regards *point 3 of the Application*, the Court observes that the autonomy conferred on the Memel Territory covers so broad a field that that Territory cannot without inconvenience be left without a government. Again, the dismissal of the President by the Governor, which would in general take the form of the revocation of the decree of appointment, is an act personal to the President of the Directorate and therefore limited, so far as the Governor is concerned, to the President. The Court accordingly holds that the dismissal of the President of the Directorate by the Governor does not by itself involve the

termination of the appointments of the other members of the Directorate. They will hold their posts until they are replaced.

In answering *point 4 of the Application*, the Court has to decide whether M. Böttcher's actions, when viewed in the light of the principles stated above, justify the Governor in dismissing him.

The reason for M. Böttcher's dismissal was the visit to Berlin which he made without the knowledge of the Lithuanian Government. The statements made on either side differ, especially as regards the object of the journey. The Court considers however that it may be safely assumed that M. Böttcher tried to secure from the German Government, for the admission into Germany of Memel agricultural produce, terms more favourable than those enjoyed by Lithuania generally. Such an attempt falls within the sphere of foreign relations which, under Article 7 of the Statute, are within the exclusive jurisdiction of the Lithuanian Republic; consequently, M. Böttcher's action exceeded the competence of the Memel authorities and thereby violated the Statute. The Court then states that the gravity of the incident must be judged by reference to the repercussions which such an arrangement as M. Böttcher hoped for might have; and in its view, the possible repercussions of M. Böttcher's act were such as to make it one which Lithuania was justified in regarding as of a serious nature and calculated to prejudice her sovereign rights. Accordingly, the Court decides that the dismissal of M. Böttcher on February 6th, 1932, was in order in the circumstances in which it took place.

In *point 5 of the Application*, the applicant Powers ask the Court to say whether the appointment of the Directorate presided over by M. Simaitis was in order. Seeing that, under Article 17 of the Statute, the Governor appoints the President of the Directorate and the latter appoints the other members, the Court holds that the question must be taken to refer to the appointment by the Governor of M. Simaitis to the post of President of the Directorate, that being the only act in the constitution of the Directorate for which Lithuania was responsible, or in respect of which the Court can give a decision.

In the opinion of the Court, the only qualification in law for membership of the Directorate is that laid down in Article 17: citizenship of the Territory. The duty of the Governor to limit his choice to persons to whom it may reasonably be expected that the Chamber will accord its confidence, is not a legal obligation. The confidence of the Chamber is a matter which the Chamber will express for itself by its vote in due course when the Directorate presents itself to the Chamber. Under the Statute, the Governor makes the appointment on his own responsibility, and the Chamber gives or refuses its confidence

at a later stage. For the rest, the Governor might reasonably have expected that the Chamber would accord its confidence to M. Simaitis. For these reasons the Court decides that the action of the Governor in appointing M. Simaitis to be President of the Directorate involved no action which was contrary to the Statute and that, in the circumstances in which it took place, the appointment of the Directorate presided over by M. Simaitis was therefore in order.

Lastly, in the *sixth point of the Application*, the Court is asked to say whether the dissolution of the Diet, carried out on March 22nd, 1932, was in order. Under Article 12, paragraph 5, of the Statute, the Governor is not entitled to dissolve the Chamber on his own authority. His decision requires the concurrence of the Directorate. The Court considers that the reason why a dissolution must not take place without the consent of the Directorate is in order to ensure that the local elements will have some voice in the decision whether or not the Chamber is to be dissolved.

A Directorate which has never obtained the confidence of the Chamber may represent no more than the individual will and views of the Governor and of his nominee for the post of President of the Directorate. There is no guarantee that their views represent in any way whatever the views of the local elements at Memel. That is why, in the Court's view, some distinction must be drawn, as regards agreeing to a dissolution, between the powers of a Directorate which has in the past secured the confidence of the Chamber and loses it on the occasion of some subsequent vote, and those of a Directorate which has never received the confidence of the Chamber. To give effect to what the Court considers to have been the intention of the Statute, this distinction, which is not excluded by the text of the Statute, must be made. The conclusion at which the Court arrives is that, on a proper construction of the Statute, the Governor cannot dissolve the Chamber except with the consent of a Directorate which has functioned as a Directorate with the consent of the Chamber, and which may therefore be regarded as a body representing local aspirations and views. In the present case, the Directorate presided over by M. Simaitis had never functioned as a Directorate with the consent of the Chamber. Consequently, when the Governor proceeded to the dissolution on March 22nd, he issued the decree with the consent of a body which was not capable of giving the consent which paragraph 5 of Article 12 of the Statute requires in such cases.

The Court adds that its function in the present case is limited to that of interpreting the Memel Statute in its treaty aspect, and that it does not intend to say that the action of the Governor in dissolving the Chamber, even though it was

contrary to the treaty, was of no effect in the sphere of municipal law. The Court takes the view that the intention of the applicant Powers was only to obtain an interpretation of the Statute which would serve as a guide for the future.

* * *

Dissenting opinions.

The Court's judgment was adopted by ten votes to five. MM. de Bustamante, Altamira, Schücking and van Eysinga, being unable to concur in the judgment of the Court on points 1 to 5 of the Application, appended to the judgment a dissenting opinion on point 1, whilst M. Anzilotti appended a separate opinion to the effect that the Court should have rejected the Application of the four Powers as inadmissible; M. Urrutia confined himself to expressing his disagreement in regard to Nos. 1 and 3 of the operative clauses of the judgment (points 1, 2 and 4 of the Application).

ADVISORY OPINION OF NOVEMBER 15th, 1932 [1].

INTERPRETATION OF THE CONVENTION OF 1919 CONCERNING EMPLOYMENT OF WOMEN DURING THE NIGHT.

History of the case.

At its 1st Session, held at Washington, the International Labour Conference, on November 28th, 1919, adopted a draft convention concerning employment of women during the night. The Convention, which came into force on June 13th, 1921, contains the following clause :

> "*Article* 3.—Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed."

The Government of the United Kingdom, which had ratified the Convention in July 1921, pointed out that the application of the Convention in Great Britain gave rise to difficulty : in the view of that Government, the above-quoted clause must have the effect of debarring women altogether from entering upon certain employments in which continuous working is necessary. For this reason, it proposed that the possibility of revising the Convention on the point in question should be considered.

The consultation by the International Labour Office of the governments, to whose special attention the question, raised by the British Government, of the "distinction to be made between working women and women employed in a supervisory capacity" had been drawn, revealed the existence of a great divergence of views, both as to the interpretation to be placed on Article 3 of the Convention concerning employment of women during the night and as to the desirability of undertaking the revision of this Article. Nevertheless, the Labour Conference, on assembling in May 1931, prepared a new text of the Convention concerning employment of women during the night, revised on this point *inter alia*, the original wording of Article 3 being replaced by the following : "This Convention does not apply to persons holding a responsible position of management, who do not ordinarily perform manual work." The revised text of the

[1] For summary of the opinion, see p. 101.

Convention was not adopted, as it failed to obtain a two-thirds majority (Art. 405 of the Treaty of Versailles); the proposal for the revision of Article 3 of the Convention was therefore rejected.

In view of this situation, and pursuant to a proposal made by the Government of Great Britain, the Governing Body of the International Labour Office decided, on April 6th, 1932, to ask the Council of the League of Nations to submit to the Court a request for an advisory opinion on the interpretation of Article 3 of the Convention of 1919.

The Council, complying with this request, adopted on May 9th, 1932, a Resolution asking the Court for an advisory opinion on the following question:

Request.

> "Does the Convention concerning employment of women during the night, adopted in 1919 by the International Labour Conference, apply, in the industrial undertakings covered by the said Convention, to women who hold positions of supervision or management and are not ordinarily engaged in manual work?"

Notifications, written statements and hearings.

In accordance with the customary procedure, notice of the Request was given to Members of the League of Nations and to other States entitled to appear before the Court. Furthermore, the Registrar, by means of a special and direct communication, drew the attention of the governments of States which had ratified the Convention of 1919 concerning employment of women during the night, to the terms of Article 73, paragraph 1, sub-paragraph 3, of the Rules. As a result of this communication, the Government of the United Kingdom of Great Britain and Northern Ireland informed the Registrar that it desired to be represented before the Court in this case. The Court decided to grant this request.

The Registrar also sent to four international organizations considered by the President—the Court not being in session—as likely to be able to furnish information on the question referred to the Court for advisory opinion, the special and direct communication mentioned in Article 73, paragraph 1, sub-paragraph 2, of the Rules; of these organizations—namely, the International Labour Organization, the International Federation of Trades Unions, the International Confederation of Christian Trades Unions and the International Organization of Industrial Employers—the first three stated that they desired to submit written and oral statements to the Court.

Lastly, pursuant to a decision of the Court to the effect that States and organizations which had been notified of the Request but which had not entered an appearance might nevertheless be permitted to submit a statement within the

time-limit fixed for the filing of second written statements, the President granted a request to this effect on the part of the German Government.

Statements were filed on behalf of the Government of the United Kingdom and of the German Government, as well as by the International Labour Organization, the International Federation of Trades Unions and the International Confederation of Christian Trades Unions. The Court held a public sitting on October 14th, 1932, in order to hear the oral arguments submitted on behalf of the above-mentioned Governments and organizations.

Composition of the Court.

The Court was composed as follows for this case: MM. ADATCI, *President;* GUERRERO, *Vice-President;* Baron ROLIN-JAEQUEMYNS, Count ROSTWOROWSKI, MM. FROMAGEOT, ANZILOTTI, URRUTIA, Sir CECIL HURST, MM. SCHÜCKING, NEGULESCO, Jhr. VAN EYSINGA, *Judges.*

* * *

Opinion (analysis).

The Court's Opinion was delivered on November 15th, 1932.

The Court holds that the wording of Article 3 of the Convention of 1919 concerning employment of women during the night, considered by itself, gives rise to no difficulty; it is general in its terms and free from ambiguity or obscurity. It prohibits the employment during the night in individual establishments of women without distinction of age; taken by itself, it necessarily applies to the categories of women contemplated by the question submitted to the Court. The terms of Article 3 of the Washington Convention, which are in themselves clear and free from ambiguity, are in no respect inconsistent either with the title, or with the Preamble, or with any other provisions of the Convention. If, therefore, Article 3 of the Washington Convention is to be interpreted in such a way as not to apply to women holding posts of supervision and management and not ordinarily engaged in manual work, it is necessary to find some valid ground for interpreting the provision otherwise than in accordance with the natural sense of the words.

The first point considered by the Court, in deciding whether there exist good grounds for restricting the operation of Article 3 to women engaged in manual work, is whether any such restriction results from the fact that the Convention is a Labour convention, i.e. one prepared within the framework of Part XIII of the Treaty of Versailles and in accordance with the procedure provided for therein. In this connection the Court considers whether it could be maintained that, in view of the fact that the improvement of the lot of the manual worker was the aim of Part XIII, a provision in a Labour convention couched in general terms must be assumed to be intended to apply only to manual workers

unless the opposite intention is made manifest by the terms of the convention. The Court holds that it would not be sound to argue thus: it is not disposed to regard the sphere of activity of the International Labour Organization as circumscribed so closely, in respect of the persons with which it was to concern itself, as to raise any presumption that a Labour convention must be interpreted as being restricted in its operation to manual workers, unless a contrary intention appears. The limits of this sphere are not fixed with precision or rigidity in Part XIII, and a study of the text of Part XIII provides ample material supporting the conclusion reached by the Court. Indeed, the words used in the Preamble and in the operative articles of Part XIII—both in the French and English texts—to describe the individuals who are the subjects of the International Labour Organization's activities are not words which are confined to manual workers.

The Court next considers the view that the circumstances in which the Convention was adopted at Washington afford sufficient reason for confining the operation of Article 3 to female workers doing manual work, *inter alia*, because the business before the Washington Conference was (as regards the employment of women at night) described in item 5 of the agenda of the Conference as "the extension and application of the international conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry". The Court is unable to share this view. It observes in this connection that the text of the Convention makes no reference to the Berne Convention, and that the Preamble of the Convention connects it, not with the fifth item in the agenda of the Conference, but with the third, which concerns "Women's employment .... (*b*) during the night".

With regard to the argument that the Convention was not intended to apply to women holding posts of supervision, because in 1919 the point, being of no practical importance, had not been considered, the Court observes that the mere fact that, at the time when the Convention concerning employment of women at night was concluded, certain facts or situations, which the terms of the Convention in their ordinary meaning are wide enough to cover, were not thought of, does not justify interpreting those of its provisions which are general in scope otherwise than in accordance with their terms.

In view of the fact that, in the course of the discussions at the International Labour Conference in 1930 and 1931, several delegates, with expert knowledge of the subject, had confidently expressed the opinion that the Convention applied only to working women, the Court was led to examine the preparatory work of the Convention. In the view of the Court, the impression derived from a study of the prepara-

tory work is that, though at first the intention was that the Conference should not deviate from the stipulations of the Berne Convention, this intention had receded into the background by the time that the Draft Convention was adopted on November 28th, 1919. The uniformity of the terms of this Draft Convention with those of the other draft conventions which were being adopted and which had their origin in the programme set forth in Part XIII of the Treaty of Versailles, had become the important element. The preparatory work thus confirms the conclusion reached in a study of the text of the Convention that there is no good reason for interpreting Article 3 otherwise than in accordance with the natural meaning of the words.

The Court holds that this conclusion is corroborated by a comparison between the Convention concerning employment of women during the night and the Convention generally known as the Eight Hour Day Convention, which was also drawn up at Washington in 1919: the latter contains a specific exception to the effect that the provisions of the Convention shall not apply to persons holding positions of supervision or management or to persons employed in a confidential capacity.

* * *

Dissenting opinions.

The Court's opinion was adopted by six votes to five. M. Anzilotti appended his dissenting opinion to the Opinion of the Court. The other judges who did not concur in the Opinion (Baron Rolin-Jaequemyns, Count Rostworowski, MM. Fromageot and Schücking) confined themselves to recording their dissent.

* * *

Effects.

At the 1st meeting of its 70th Session (Jan. 24th, 1933), the Council instructed the Secretary-General to transmit the Opinion drawn up by the Court to the Director of the International Labour Office in order to be communicated to the Governing Body.

ORDER OF JANUARY 26th, 1933.

DELIMITATION OF THE TERRITORIAL WATERS BETWEEN THE ISLAND OF CASTELLORIZO AND THE COASTS OF ANATOLIA.

By a Special Agreement signed at Ankara on May 30th, 1929, which came into force on August 3rd, 1931, the Turkish and Italian Governments agreed to request the Court to give its decision upon certain questions which had arisen in connection with the delimitation of the territorial waters between the island of Castellorizo and the coasts of Anatolia. The Special Agreement was notified to the Registry of the Court on November 18th, 1931. Together with the text of the Special Agreement, Turkey, which was not at that time a Member of the League of Nations, transmitted to the Registry a declaration made in conformity with Article 35, paragraph 2, of the Rules of Court[1].

The Court fixed time-limits for the presentation of Cases, Counter-Cases and Replies; subsequently, at the request of the two Parties, these time-limits were twice extended.

By a letter dated January 3rd, 1933—the day on which the time-limit ultimately fixed for the filing of Cases by each Party expired—the Turkish Chargé d'affaires at The Hague, by order of his Government, informed the Registrar, with reference to the provisions of Article 61 of the Rules of Court, that his Government, acting in agreement with the Royal Italian Government, was discontinuing the proceedings instituted on November 18th, 1931, and requested him to note this communication in order that the suit might be removed from the Court's list. The same day the Registrar received a similar communication from the Italian Government.

According to these communications, the dispute which had arisen between Italy and Turkey regarding the ownership of the islands, islets and rocks adjacent to the island of Castellorizo had been settled by the signature of an agreement concluded at Ankara on January 4th, 1932. It was also stated in the said communications that this agreement had been ratified by the Italian Government and that the Turkish Government's ratification was expected in a few days time.

[1] See E 8, p. 116.

The two Parties being thus agreed in their intention to break off proceedings, the Court made an Order in which, after recording this fact and declaring that the proceedings begun in regard to the case concerning the delimitation of the territorial waters between the island of Castellorizo and the coasts of Anatolia were accordingly terminated, it decided that the case should be removed from its list.

ORDER OF FEBRUARY 4th, 1933.

ADMINISTRATION OF THE PRINCE VON PLESS.
(PRELIMINARY OBJECTION.)

On May 18th, 1932, the German Government brought before the Court a suit against the Polish Government founded on an alleged violation by the latter Government of certain obligations incumbent upon it under the Geneva Convention of May 15th, 1922, concerning Upper Silesia, in regard to the Administration of the Prince von Pless, a Polish national belonging to the German minority in Polish Upper Silesia.

Application. In its Application, the German Government indicated the subject of the dispute and asked for judgment to the following effect:

"(1) that the attitude of the Polish Government and authorities towards the Pless Administration in the matter of income taxes for the fiscal years 1925-1930—especially as regards the application of the procedure by default, the accumulation of the amounts due over several fiscal years, the interpretation and application of the provisions concerning depreciation and the non-taxation of charges relating to the acquisition, maintenance and security of revenue, together with the revaluation of items in the balance sheets—is in conflict with Articles 67 and 68 of the Geneva Convention;

(2) that acts of the fiscal authorities in conflict with the aforementioned provisions are, according to Article 65 of the Geneva Convention, null and void;

(3) that the Polish Government is bound to indemnify the Prince von Pless for the damage resulting from the attitude referred to in (2) above, and that the applicant Government shall subsequently be given an opportunity of stating the figure claimed for this indemnity;

(4) that the Pless Administration enjoys full liberty to appoint its employees and workmen, regardless of race and language, without being exposed in this connection to any pressure whatever from the Polish Government and authorities".

Statements and hearings. By a document filed with the Registry on October 8th, 1932, the Polish Government raised, under Article 38 of the Rules, a preliminary objection to the German Government's Application, submitting that the Court should "declare the German Government's Application inadmissible".

By the date fixed by the Court, the German Government filed a statement setting out its observations and submissions in regard to the Polish Government's preliminary objection.

This statement besought the Court to overrule the objection. At public sittings held on November 7th, 9th, 10th and 11th, 1932, the Court heard the oral arguments upon the Polish objection presented on behalf of the two Parties.

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, ANZILOTTI, URRUTIA, Sir CECIL HURST, MM. SCHÜCKING, NEGULESCO, Jhr. VAN EYSINGA, M. WANG, *Judges.*

* * *

Order (analysis).

The Court, on February 4th, 1933, made an Order upon the Polish preliminary objection. In this Order it first of all observes that the suit brought by the German Government is founded on Article 72, paragraph 3, of the Geneva Convention of May 15th, 1922, concerning Upper Silesia, according to which any difference of opinion between the Parties as to questions of law or of fact arising out of the preceding articles may be referred to the Court; but that Poland maintains that there is no difference of opinion between the two Parties. In order to determine whether such a difference does or does not exist, it is necessary to determine what is the subject of the dispute, and this, under Article 40 of the Statute, must be set out in the Application. In this connection the Court observes that whilst, on the one hand, in submission No. 1 of the Application the German Government enumerates certain acts which, it alleges, constitute a violation of the Geneva Convention on the part of the Polish Government, on the other hand, in submission No. 4, no specific act is indicated as constituting a violation of that Convention, and this raises the question whether submission No. 4 is intended to refer to the same acts as those envisaged in No. 1. In the Court's opinion, this point may be of considerable importance in determining the existence and scope of a difference of opinion between the Parties. The Polish Government maintains that the acts mentioned in submission No. 1 of the Application relate only to a dispute between the Polish Treasury and the Prince von Pless as a tax-payer; as regards the principle enunciated in submission No. 4, it says that it is in agreement with the German Government but denies that that principle has been violated or disregarded by Poland. The German Government on the other hand appears to regard the acts mentioned in submission No. 1 as means used by the Polish Government of bringing unlawful pressure to bear upon the Prince von Pless. This being so, the question whether there is a difference of opinion, within the meaning of Article 72,

paragraph 3, of the Geneva Convention, appears to be inextricably bound up with the facts adduced by the Applicant and can only be decided on the basis of a full knowledge of these facts, such as can only be obtained from the proceedings on the merits.

Next, the Court raises, *proprio motu,* a question regarding its jurisdiction, a question which concerns the merits and is connected with another, namely, whether on the basis of Article 72, paragraph 3, of the Geneva Convention a State, in its capacity as a Member of the Council, may claim that an indemnity be awarded to a national of the respondent State, a claim made by the German Government in submission No. 3 of its Application.

In the second place, the Polish Government maintains that the German Application is inadmissible so long as the Prince von Pless has not exhausted the means of redress open to him under Polish Law. And the Prince von Pless has appealed to the Supreme Polish Administrative Tribunal from several decisions given by the fiscal authorities and cited in the suit. The Court does not consider it necessary, in its Order, to pass upon the question of the applicability of the principle as to the exhaustion of internal means of redress, since, in any event, it will certainly be an advantage to the Court, as regards the points which have to be established in the case, to be acquainted with the final decisions of the Supreme Polish Administrative Tribunal upon the appeals brought by the Prince von Pless and pending before that Tribunal.

For these reasons, the Court joins the preliminary objection to the merits of the suit, in order to pass upon the objection and, if the latter is overruled, upon the merits, by means of a single judgment. At the same time, it arranges its procedure so as to ensure that it may be acquainted in sufficient time with the decisions of the Supreme Polish Administrative Tribunal. It reserves however to the German Government the right to plead that there has been an unjustifiable delay in the delivery of these decisions by the Supreme Polish Administrative Tribunal and will give its decision upon that point after hearing the arguments of both Parties.

JUDGMENT OF APRIL 5th, 1933 [1].

LEGAL STATUS OF EASTERN GREENLAND.

History of the case.

On June 28th, 1931, some Norwegian hunters hoisted the flag of Norway in Mackenzie Bay in Eastern Greenland, and announced that they had occupied the territory lying between Carlsberg Fjord, to the South, and Bessel Fjord, to the North, in the name of the King of Norway.

In reply to an enquiry on the part of Denmark, who regarded the territory covered by this announcement as under her sovereignty, the Norwegian Government, on July 1st, stated that the occupation in question was "an entirely private act, which will not influence our policy". Nevertheless, on July 10th, 1931, it stated that it had felt obliged to proceed, in virtue of a Royal Resolution of the same date, to the occupation of the territories in Eastern Greenland situated between latitude 71° 30′ and 75° 40′ N. The territory covered by this Resolution was denominated by Norway "Eirik Raudes Land". The following day the Danish Government submitted the question to the Court.

Application.

The Application instituting proceedings was filed with the Registry on July 12th, 1931. It was based on the optional clause of Article 36, paragraph 2, of the Court's Statute and pointed out that the territories covered by the Norwegian Government's proclamation of July 10th, 1931, announcing their occupation were, in the contention of the Danish Government, subject to the sovereignty of the Crown of Denmark. The Application, after thus indicating the subject of the dispute, formulated the claim by asking the Court for judgment to the effect that "the promulgation of the above-mentioned declaration of occupation and any steps taken in this respect by the Norwegian Government constitute a violation of the existing legal situation and are accordingly unlawful and invalid".

Written proceedings and hearings.

The various documents of the written proceedings were duly filed within the time-limits originally fixed, or as extended, by the Court. In the Counter-Case, the Norwegian Government asked for judgment to the effect that Denmark had no sovereignty over Eirik Raudes Land and that Norway had acquired

[1] For summary of the judgment, see p. 102.

the sovereignty over that territory. In the course of public sittings held between November 21st, 1932, and February 7th, 1933, the Court heard the statements, replies, rejoinders and observations presented 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, ANZILOTTI, URRUTIA, Sir CECIL HURST, MM. SCHÜCKING, NEGULESCO, Jhr. VAN EYSINGA, M. WANG, *Judges.*

MM. VOGT and ZAHLE, who were appointed as judges *ad hoc* by the Norwegian and Danish Governments respectively, also sat on the Court for the purposes of this case.

* * *

Judgment (analysis).

The Court's judgment was delivered on April 5th, 1933.

The Court begins by giving a summary of the facts, of which the following is an extract:

The facts.

Greenland, the climate and character of which are those of an Arctic country, was—according to the information supplied to the Court—discovered about the year 900 A. D. The country was colonized about a century later. The settlements founded at this period towards the southern end of the west coast appear to have existed as an independent State for some time, but became tributary to the Kingdom of Norway in the XIIIth century. Before 1500 they had disappeared.

In 1380, the kingdoms of Norway and Denmark were united under the same Crown; the constitutional character of this union, which lasted until 1814, changed to some extent in the course of time. Nevertheless, there is nothing to show that during this period Greenland, in so far as it constituted a dependency of the Crown, should not be regarded as a Norwegian possession.

The disappearance of the Nordic colonies did not put an end to the King's pretensions to the sovereignty over Greenland, and some foreign countries appear to have acquiesced in these pretensions in the XVIIth century.

Though at this time no colonies or settlements existed in Greenland, contact with it was not entirely lost, and, at the beginning of the XVIIIth century, closer relations were once more established between Greenland and the countries whence the former European settlements on its coasts had originated. Beginning in 1721, settlements were founded on the west coast by the pastor Hans Egede, of Bergen, in Norway. Concessions were granted to various individuals or companies comprising a prohibition applicable to all other persons of trading and navigation in Greenland contrary to their terms.

According to an Ordinance of April 22nd, 1758, this prohibition applied in respect of "colonies and factories already established or subsequently to be established", and likewise "other ports and localities in general without differentiation or exception".

In 1774, the State having itself once more taken over the Greenland trade, which it administered by means of an autonomous "Board", the King, on March 18th, 1776, issued an Ordinance, which is still in force, and which repeats the provisions of the previous instruments in very similar terms. The concessions previously granted to private persons were bestowed upon a privileged Trading Administration. Since then, the Greenland trade has been a monopoly of the State of Denmark. According to the Ordinance of March 18th, 1776, the "colonies and factories" then existing on the west coast extended from latitude 60° to 73° N.

On January 14th, 1814, the King of Denmark was compelled to sign the Peace Treaty of Kiel, the fourth article of which provided for the cession to the King of Sweden of the Kingdom of Norway, excluding however Greenland, the Faroe Islands and Iceland. At the end of 1814 the necessary steps were taken with a view to the complete liquidation of all matters arising out of the Union between Denmark and Norway. After protracted negotiations, this liquidation was effected by the Convention signed at Stockholm on September 1st, 1819, between Denmark of the one part and the United Kingdoms of Sweden and Norway of the other part.

In the course of the XIXth century and the early years of the XXth, the coasts of Greenland were entirely explored. In 1822, the Scottish whaler Scoresby made the first landing by a European in the territory in dispute. About 1900, the insular character of Greenland was established. The whole of the east coast was explored by Danish expeditions, and there were in addition many non-Danish expeditions.

In 1894, at Angmagssalik (lat. 65° 36′ N.), the first Danish settlement on the east coast was established. As regards the limits of the colonized territory on the west coast of Greenland, which in 1814 were from latitude 60° to latitude 73° N., an extension took place in 1905 to latitude 74° 30′ N. In 1925, another Danish trading and mission station was established on the east coast at Scoresby Sound, in about latitude 70° 30′ N. In the last place, on May 10th, 1921, a Danish decree was issued to the effect that trading, mission and hunting stations having been established by Denmark on the east and west coasts of Greenland, the whole of that country was henceforth linked up with the Danish colonies and stations, under the authority of the Danish Administration.

Ever since 1814 and up to the present time, the practice of

the Danish Government, when concluding bilateral commercial conventions or when participating in multilateral conventions relating to economic questions, has been to secure the insertion of a stipulation excepting "Greenland" or the "territory of Greenland"—without further qualification—from the operation of the convention.

On August 4th, 1916, the United States, at the request of Denmark, signed a declaration to the effect that they would not object to the Danish Government extending their political and economic interests to the whole of Greenland.

On July 12th, 1919, the Danish Minister for Foreign Affairs instructed the Danish Minister at Christiania that a Committee had just been constituted at the Peace Conference "for the purpose of considering the claims that may be put forward by different countries to Spitzbergen", and that the Danish Government would be prepared to renew before this Committee the unofficial assurance already given to the Norwegian Government, according to which Denmark, having no special interests at stake in Spitzbergen, would raise no objection to Norway's claims upon that archipelago. In making this statement to the Norwegian Minister for Foreign Affairs, the Danish Minister was to point out "that the Danish Government had been anxious for some years past to obtain the recognition by all the interested Powers of Denmark's sovereignty over the whole of Greenland, and that it intended to place that question before the above-mentioned Committee", and, further, that the Danish Government felt confident that the extension of its political and economic interests to the whole of Greenland "would not encounter any difficulties on the part of the Norwegian Government".

The Danish Minister having accomplished his mission on July 14th, 1919, the Norwegian Minister for Foreign Affairs, M. Ihlen, replied to him, on July 22nd following, "that the Norwegian Government would not make any difficulties in the settlement of this question" (i.e. the question raised on July 14th by the Danish Government). This is the "Ihlen Declaration" which is considered below.

In 1920 and 1921, the Danish Government approached the Governments in London, Paris, Rome, Tokyo and Stockholm with a view to obtaining assurances from them on the subject of the recognition of Denmark's sovereignty over the whole of Greenland. Each of these Governments replied in terms which satisfied the Danish Government. On January 18th, 1921, the Danish Government addressed a communication to the same effect to the Norwegian Government. The latter however was not prepared to adopt the same attitude unless it received an undertaking from the Danish Government that the liberty of hunting and fishing on the east coast, which Norwegians had

hitherto enjoyed, should not be interfered with. This undertaking the Danish Government was unwilling to give, and as soon as it became clear that the Norwegian Government was not prepared to give the desired assurances, the Danish Government stated, in May 1921, that it would rest content with the verbal undertaking given by M. Ihlen in 1919. The decree of May 10th, 1921, already mentioned above, was then issued.

Nevertheless, on the Danish side there was evinced willingness to make every effort to satisfy the desire of the Norwegian Government that Norwegians should be able to continue to fish and to hunt on the east coast of Greenland, but a determination not to give way on the claim to sovereignty. Negotiations—entered into at the instance of the Norwegian Government—followed between delegations specially appointed for the purpose. These negotiations, which were at first intended to cover the Greenland question generally, but which were subsequently confined to the questions of hunting and fishing, resulted in the signature, on July 9th, 1924, of a Convention on these questions applicable to the eastern coast of Greenland.

Simultaneously with the Convention, notes were signed by each Government to the effect that in signing the Convention it reserved its opinion on questions concerning Greenland not dealt with in the Convention. The chief points that these notes had in view were: the Danish contention that Denmark possessed full and entire sovereignty over the whole of Greenland and that Norway had recognized that sovereignty, and the Norwegian contention that all the parts of Greenland which had not been occupied in such a manner as to bring them effectively under the administration of the Danish Government, were in the condition of *terræ nullius* and that if they ceased to be *terræ nullius*, they must pass under Norwegian sovereignty.

In the summer of 1930, the Norwegian Government conferred police powers on certain Norwegian nationals "for the inspection of the Norwegian hunting stations in Eastern Greenland". This evoked protest on the part of Denmark, seeing that, in the Danish view, these territories were subject to Danish sovereignty.

The year 1930 also witnessed the inauguration by Denmark of a "three years' plan" for scientific research in the central part of Eastern Greenland. In 1931, the Danish Government stated that it thought it necessary, in connection with this expedition, to provide for police supervision, with powers extending to all persons in the territory in question in Eastern Greenland. The Norwegian Government urged that the Danish "three years' plan" should not be carried out in such a way as to conflict with the provisions of the Convention concerning Eastern Greenland or with the legitimate interests of the Norwegian

hunters in that country. A prolonged diplomatic discussion ensued but led to no result. In these circumstances, the Danish Government preferred to seek a solution for the existing differences in conciliation or in judicial settlement by the Permanent Court of International Justice; but the negotiations conducted with a view to the drawing up of a special agreement proved fruitless.

Meanwhile, on June 28th, 1931, certain Norwegian hunters had carried out the unofficial occupation already mentioned which, on July 10th, was followed by the Norwegian Government's official proclamation of occupation. This led the Danish Government to file its unilateral Application submitting the question to the Court.

* * *

The law.

In its exposition of the law, the Court first of all observes that the Danish claim is founded on the contention that the area occupied was, at the time of the occupation, subject to Danish sovereignty, since that area is part of Greenland and at the time of the occupation Danish sovereignty existed over all Greenland. In support of this contention, the Danish Government advances two propositions. The first is that the sovereignty which Denmark now enjoys over Greenland has existed for a long time, has been continuously and peacefully exercised and, until the present dispute, has not been contested by any Power. The second proposition is that Norway has by treaty or otherwise herself recognized Danish sovereignty over Greenland as a whole and therefore cannot now dispute it. The Danish Government also relies on the Ihlen Declaration which, it maintains, debars Norway from proceeding to any occupation of territory in Greenland, and likewise on certain other undertakings entered into by Norway.

The Norwegian Government, on the other hand, submits that the area occupied was, at the time of the occupation, *terra nullius*; its contention being, indeed, that the area in question lay outside the limits of the Danish colonies in Greenland and that Danish sovereignty extended no further than the limits of those colonies. Norway also maintains that the attitude which Denmark adopted between 1915 and 1921, when she addressed herself to various Powers in order to obtain a recognition of her position in Greenland, was inconsistent with a claim to be already in possession of the sovereignty over all Greenland, and that in the circumstances she is now estopped from alleging a long-established sovereignty over the whole country.

Proceeding to consider the first Danish argument, the Court observes that Denmark's claim is not founded upon any

particular act of occupation, but alleges a title founded on the peaceful and continuous display of State authority. The Court goes on to say that such a claim to sovereignty based upon continued display of authority involves two elements, each of which must be shown to exist: the intention and will to act as sovereign, and some actual exercise or display of such authority. Having laid down this principle, the Court undertakes a detailed analysis of the historical data respecting Greenland from the earliest times, and particularly of the legislative instruments of the XVIIIth century. In this connection it observes that legislation is one of the most obvious forms of the exercise of sovereign power.

Norway argues that in the legislative and administrative acts of this period, the word "Greenland" was not used in the geographical sense but meant only the colonies or the colonized area on the west coast. In the view of the Court, that is a point as to which the burden of proof lies on Norway; but that country, it holds, has not succeeded in establishing her contention: in the eyes of the Court, it is clear that the operation of these legislative measures was not confined to the colonies. The conclusion to which the Court is led is that, bearing in mind the absence of any claim to sovereignty by another Power, and the arctic and inaccessible character of the uncolonized parts of the country, the King of Denmark and Norway, during the period from the founding of the colonies by Hans Egede in 1721 up to 1814, displayed his authority to an extent sufficient to give his country a valid claim to sovereignty and that his rights over Greenland were not limited to the colonized area.

With regard to the period following the Treaty of Kiel—the result of which was that what had been a Norwegian possession remained with the King of Denmark and became for the future a Danish possession—Denmark relies *inter alia* on the long series of conventions—mostly commercial in character—which have been concluded by her and in which, with the concurrence of the other contracting Party, a stipulation has been inserted to the effect that the convention shall not apply to Greenland. Norway has argued that in these conventions also the word "Greenland" only means the colonized area; but the Court holds that she has not succeeded in proving this contention and that, to the extent that these treaties constitute evidence of recognition of her sovereignty over Greenland in general, Denmark is entitled to rely upon them. These treaties may also be regarded as demonstrating sufficiently Denmark's will and intention to exercise sovereignty over Greenland.

With regard to the exercise of sovereignty over the uncolonized area, the Court examines certain concessions granted by

Denmark in respect of this region. It arrives at the conclusion that Denmark must be regarded as having displayed during the period 1814-1915 her authority over the uncolonized part of the country to a degree sufficient to confer a valid title to the sovereignty.

The Court next considers the applications which the Danish Government addressed to foreign governments between 1915 and 1921, seeking the recognition of Denmark's position in Greenland. The point at issue between the Parties is whether Denmark was seeking a recognition of an existing sovereignty extending over all Greenland, as urged by her Counsel, or, as maintained by Counsel for Norway, whether she was trying to persuade the Powers to agree to an extension of her sovereignty to territory which did not as yet belong to her. The terms used in the correspondence between the Danish Government and the foreign governments concerned relating to these applications are not always clear. Nevertheless, the Court holds that in judging the effect of these notes too much importance must not be attached to particular expressions here and there; the correspondence must be judged as a whole. Considered thus, it can be reconciled with the view upheld by the Danish Government in the present case, namely, that what that Government was seeking in these applications was recognition of existing sovereignty and not consent to the acquisition of new sovereignty. In this connection, the Court notes in particular that as soon as one of the Powers to whom application had been made indicated a desire to obtain some return for the grant of what had been asked, the Danish Government replied with a note setting out the legal basis of its claim to sovereignty in Greenland on lines similar to those which it has followed in the present case. If that was the view which the Danish Government held before, during and at the close of these applications to the Powers, its action in approaching them in the way it did must certainly have been intended to ensure that those Powers should accept the point of view maintained by the Danish Government, namely, that sovereignty already existed over all Greenland, and not to persuade them to agree that a part of Greenland not previously under Danish sovereignty should now be brought thereunder. Their object was to ensure that those Powers would not themselves attempt to take possession of any non-colonized part of Greenland, and the method of achieving this object was to get the Powers to recognize an existing state of fact.

In these circumstances, there can, in the Court's opinion, be no ground for holding that, by the attitude which the Danish Government adopted, it admitted that it possessed no sovereignty over the uncolonized part of Greenland, nor for

holding that it is estopped from claiming that Denmark possesses an old established sovereignty over all Greenland.

Turning next to the period 1921-1931, the Court observes that subsequent to the date when the Danish Government issued the Decree of May 10th, 1921, referred to above, there was a considerable increase in that Government's activity on the eastern coast of Greenland. The Court holds that the legislative and administrative measures taken by Denmark at this time show that she was exercising governmental functions in connection with the territory in dispute. They show to a sufficient extent the two elements necessary to establish a valid title to sovereignty, namely: the intention and will to exercise such sovereignty and the manifestation of State activity. Earlier in the judgment the Court had already remarked that, as the critical date was July 10th, 1931, it was not necessary that Danish sovereignty over Greenland should have existed throughout the period during which the Danish Government maintained that it had possessed it: it was sufficient to establish the existence of a valid title in the period immediately preceding the occupation.

It follows from the above that the Court is satisfied that Denmark has succeeded in establishing her contention that at the critical date, namely July 10th, 1931, she possessed a valid title to the sovereignty over all Greenland.

In considering the second Danish proposition that Norway had given certain undertakings which recognized Danish sovereignty over all Greenland, the Court arrives at the conclusion that in three cases undertakings were given.

In the first place, the Court holds that, at the time of the termination of the Union between Denmark and Norway (1814-1819), Norway undertook not to dispute Danish sovereignty over Greenland. In the course of the negotiations following upon the dissolution of the Union between Denmark and Norway, the restitution of Greenland to Norway was claimed, but the claim was withdrawn and the King of Sweden and Norway renounced in the name of the latter country all claims in respect of the Faroe Islands, Iceland and Greenland. Furthermore, in the view of the Court, Article 9 of the Convention of September 1st, 1819, finally disposed not only of the financial questions dealt with in Article 6 of the Treaty of Kiel, but of all questions mentioned in the Treaty, and therefore also of the territorial questions in Article 4, which leaves Greenland to Denmark. Since, in the view of the Court, "Greenland" in Article 4 of the Treaty of Kiel means the whole of Greenland, the Court holds that in consequence of the various undertakings resulting from the separation of Norway and Denmark and culminating in Article 9 of the Convention

of September 1st, 1819, Norway has recognized Danish sovereignty over all Greenland.

In the Court's opinion, a second series of undertakings by Norway, recognizing Danish sovereignty over Greenland, is afforded by various bilateral agreements concluded by Norway with Denmark, and by various multilateral agreements to which both Denmark and Norway were contracting Parties. In these agreements, concluded since 1826, Greenland is described as a Danish colony or as forming part of Denmark, or Denmark is allowed to exclude Greenland from the operation of the agreement. In accepting these bilateral and multilateral agreements as binding upon herself, Norway reaffirmed that she recognized the whole of Greenland as Danish.

Thirdly and lastly, the Court considers the Ihlen Declaration. In this connection, it does not accept the Danish view that this amounted to a recognition of an existing Danish sovereignty in Greenland. But it holds that the declaration, even if not constituting a definitive recognition of Danish sovereignty, is an engagement obliging Norway to refrain from occupying any part of Greenland.

The Court considers it beyond all dispute that a reply, given by the Minister for Foreign Affairs of a particular country on behalf of his Government, in response to a request by the diplomatic representative of a foreign Power, in regard to a question falling within his province, is binding upon that country. On the other hand, the Court does not admit the Norwegian objection that the Minister's declaration, though unconditional and definitive in form, cannot be relied upon against Norway because, if the Norwegian Minister had been warned of the Danish Government's intention to extend the régime of exclusion to the whole of Greenland, his answer would—it is argued—have been different. The Court finds it difficult to believe that Norway could not have foreseen the extension of the monopoly. Accordingly, the Court does not agree that the Decree of May 10th, 1921, introducing the régime of exclusion for all Greenland, justified Norway in changing her attitude. In regard to this particular point, it recalls that as early as December 1921, Denmark announced her willingness to do everything in her power to make arrangements to safeguard Norwegian subjects against any loss they might incur as a result of the issue of the Decree, and that the Convention of July 9th, 1924, was a confirmation of Denmark's friendly disposition in respect of these Norwegian hunting and fishing interests. Lastly, the Court is unable to read into the words of the Ihlen Declaration "in the settlement of this question" a condition which would render the promise to refrain from making any difficulties inoperative

should a settlement not be reached. The promise was unconditional and definitive.

It follows that, as a result of the undertaking involved in the Ihlen Declaration of July 22nd, 1919, Norway is under an obligation to refrain from contesting Danish sovereignty over Greenland as a whole, and *a fortiori* to refrain from occupying a part of Greenland.

Denmark also maintains that the Convention of July 9th, 1924, excluded any right on the part of Norway to occupy a part of Greenland. But the question of the sovereignty and that of the *terra nullius*—to mention that point alone—were left entirely outside the Convention, as is made clear by the notes exchanged on July 9th, 1924, and the Court accordingly finds that neither Denmark nor Norway can derive support from the Convention for their respective fundamental standpoints.

Finally, Denmark maintains that, under certain provisions of the Covenant of the League of Nations, of the General Act of Conciliation, Judicial Settlement and Arbitration of 1928, and of the conventions between Denmark and Norway for the pacific settlement of disputes, Norway was likewise bound to abstain from occupying any part of Greenland; she also maintains that the same result ensued from two agreements said to have been arrived at by the two Parties at the beginning of July 1931, in the course of the exchange of views which preceded the occupation of July 10th.

In view of the conclusion reached by the Court, there is no need for these questions to be considered.

Each Party prayed the Court to order the other Party to pay the costs in this case. The Court, however, holds that there is no need to deviate from the general rule laid down in Article 64 of the Statute, namely, that each Party will bear its own costs.

* * *

Dissenting opinions.

The judgment of the Court was adopted by twelve votes to two.

MM. Anzilotti and Vogt appended to the judgment statements of their dissenting opinions. MM. Schücking and Wang, though concurring in the judgment, appended thereto some brief observations.

ORDER OF MAY 11th, 1933.

ADMINISTRATION OF THE PRINCE VON PLESS.

(APPLICATION FOR THE INDICATION OF INTERIM MEASURES OF PROTECTION.)

In the Prince von Pless case, which has been pending before the Court since May 18th, 1932 [1], the German Government's Agent, in a document dated May 2nd, 1933, requested the Court "to indicate to the Polish Government, as an interim measure of protection, pending the delivery of judgment upon the Application of May 18th, 1932, that it should abstain from any measure of constraint in respect of the property of the Prince von Pless, on account of income-tax". In support of this Application, the German Agent alleged:

"that the Taxation Office at Pszczyna, on April 20th, 1933, served on the Prince von Pless two summonses for the payment within fifteen days of the sum of .... 5,246,539.89 złotys .... on account of income-tax for the fiscal years 1927, 1928 and 1929, and a sum of .... 1,851,489.84 złotys .... on account of income-tax for the fiscal year 1930;

that these summonses to pay are accompanied by a threat that in the event of the whole sum not being paid within the above-mentioned time, measures of constraint will be applied;

that the Taxation Office at Pszczyna on April 20th, 1933, decreed the attachment of the claim of the Prince von Pless against the administration of the State Railways in respect of deliveries of coal up to an amount of 1,841,759.84 złotys;

that the carrying into effect of the above-mentioned measures of constraint would irremediably prejudice the rights and interests forming the subject of the dispute".

This document was received in the Registry on May 3rd, and the President immediately convened an extraordinary session of the Court for May 10th, 1933, pursuant to Article 57 of the Rules [2].

[1] See above, p. 138, for a summary of the Order of February 4th, 1933, joining the preliminary objection filed by the Polish Government to the merits of the case and fixing the subsequent time-limits in the written proceedings.

[2] At the same time, the President, on May 5th, 1933, sent a telegram to the Polish Minister for Foreign Affairs, suggesting to him the desirability of considering the possibility of suspending any contemplated measures of constraint directed against the Prince von Pless pending the meeting of the Court and its decision.

On May 8th, 1933, the Polish Government sent the Court a declaration to the effect that the summonses for payment (warrant for execution) in respect of the payment of the income-tax of the Prince von Pless for the years 1927-1930 had been sent to the Prince by oversight, the newly-appointed head of the department dealing with measures of constraint (of the Taxation Office) having been unacquainted with the documents relating to the matter; that, the higher authorities having learnt that measures of constraint had been taken in respect of the Prince von Pless, the Government of the Republic of Poland had annulled the warrant above mentioned; that the said Government maintained its declaration to the effect that it would suspend measures of constraint in respect of the income-tax of the Prince von Pless for the years 1925-1930, and would not collect these taxes, until the Court has finally decided the dispute now pending before it. On being notified of this declaration, the German Government's Agent informed the Court that the German Government was in agreement with the course adopted by the Polish Government for the settlement of this question, that it notified the Court of this agreement and that it requested the Court, applying by analogy Article 61, paragraph 1, of the Rules, to take note of the agreement reached.

In its Order of May 11th, 1933, the Court observes that, in consequence of the annulment, on the ground that an administrative error had occurred, of the measures of constraint (warrant for execution of April 20th, 1933) taken against the Prince von Pless in respect of his income-tax for the years 1927 to 1930, the grounds for the German Government's Application for the indication of interim measures of protection have ceased to exist. It also observes that, in so far as concerns the income-tax of the Prince von Pless for the years 1925-1930, there is no difference between that which the German Government seeks to obtain according to the submission set forth in the document of May 2nd, 1933, and the intentions of the Polish Government as expressed in the declaration of that Government's Agent, dated May 8th, 1933; finally, it observes that it likewise appears from this declaration and from the declaration of the same date made by the Agent of the German Government that the Parties are agreed in regard to the settlement of the question forming the subject of the latter Government's Application of May 2nd, 1933.

In these circumstances, the Court notes the fact that the Polish Government has annulled the measures of constraint taken against the Prince von Pless and takes note of that Government's declaration that it will suspend any measures of constraint against the Prince von Pless in respect of his

income-tax for the years 1925 to 1930 and the collection of the taxes due by him for these years, until the Court has finally decided the dispute. It also notes the German Government's declaration to the effect that it is in agreement in regard to the settlement of the question. Accordingly, it declares that the request for the indication of interim measures of protection has ceased to have any object.

In the recitals of the Order, the Court states that, since the Application for the indication of interim measures has ceased to have any object, it is unnecessary for it to consider whether it would have been competent to adjudicate upon it and whether that Application was admissible; furthermore, that the Order must in no way prejudge either the question of the Court's jurisdiction to adjudicate upon the Application submitting the case of the Prince von Pless, or that of the admissibility of that Application.

ORDER OF MAY 11th, 1933.

LEGAL STATUS OF THE SOUTH-EASTERN TERRITORY OF GREENLAND.

On July 18th, 1932, the Norwegian Government filed an Application instituting proceedings against the Danish Government in regard to the legal status of certain parts of the south-eastern territory of Greenland. This Application indicated the subject of the dispute as follows: "By a Royal Decree of July 12th, 1932, the Royal Norwegian Government has placed the south-eastern territory of Greenland situated between latitudes 63° 40′ and 60° 30′ North under the sovereignty of Norway." On the same day, the Danish Government, for its part, filed an Application respecting the legal status of the same territory and indicating as the subject of the dispute the fact that the Norwegian Government had declared that it had proceeded to occupy the territory above mentioned, which, in the contention of the Danish Government, was subject to the sovereignty of the Crown of Denmark. By an Order of August 2nd, 1932 [1], the Court joined the two suits.

In a letter of April 18th, 1933, the Norwegian Government's Agent informed the Court that, by a Royal Decree of April 7th, 1933, his Government had revoked the Royal Proclamation of July 12th, 1932, and that, in these circumstances, it withdrew the Application of July 18th, 1932, instituting proceedings in regard to the legal status of the territories in question. The same day, the Danish Government's Agent, for his part, informed the Court that, the Norwegian Government having notified the Danish Government of the withdrawal of its declaration of occupation, the Danish Government, pursuant to Article 61 of the Rules of Court, withdrew its Application of July 18th, 1932.

In these circumstances, the Court, by an Order of May 11th, 1933, noting these declarations of withdrawal, declared the proceedings in this case closed and decided that it should be removed from the list.

[1] See above, p. 119.

ORDER OF MAY 12th, 1933.

APPEALS OF THE CZECHOSLOVAK GOVERNMENT FROM CERTAIN JUDGMENTS OF THE HUNGARO-CZECHOSLOVAK MIXED ARBITRAL TRIBUNAL.

On July 11th, 1932, the Czechoslovak Government filed an Application, dated July 7th, "appealing from the judgments of December 21st, 1931, of the Hungaro-Czechoslovak Mixed Arbitral Tribunal concerning questions of jurisdiction in the case of Alexander Semsey and others *v.* the State of Czechoslovakia (No. 321) and in the case of Wilhelm Fodor *v.* the State of Czechoslovakia (No. 752)". On July 25th, 1932, the same Government filed an Application, dated July 20th, "appealing from the judgment of April 13th, 1932, of the Hungaro-Czechoslovak Mixed Arbitral Tribunal upon merits in the case of the *Ungarische Hanf- und Flachsindustrie v.* (1) the State of Czechoslovakia, and (2) the Flax Spinners' Association (No. 127)".

By the date fixed for the presentation of Counter-Cases in the two suits, the Hungarian Government lodged preliminary objections in respect of each of the two Applications filed by the Czechoslovak Government. The Court, by an Order dated October 26th, 1932 [1], joined these objections and fixed a time-limit for the submission of a written statement by the Czechoslovak Government. The suits, therefore, were, in so far as concerned the preliminary objections, ready for hearing as from January 16th, 1933; the opening of the oral proceedings was fixed for May 9th, 1933.

In a letter dated April 8th, 1933, however, the Czechoslovak Government's Agent informed the Court that his Government

[1] On the same day, the Registrar, pursuant to the instructions of the Court, sent letters to the Agents of both Parties informing them that the Court desired that they should, before any argument, submit their respective views as to the scope of Article X of Agreement No. II of Paris (of April 28th, 1930) in relation to the statutory provisions governing the jurisdiction and working of the Court. Written observations on this question were filed by the Parties within a time-limit fixed, and subsequently extended, by the Court. In letters of March 30th, 1933, informing the Agents of the date for the beginning of the oral proceedings, the Registrar, on the instructions of the Court, announced that the Parties' oral observations should cover both the objections lodged by Hungary and the question referred to in the two letters of October 26th, 1932.

withdrew the "appeals" in question. On being informed of the contents of this letter, the Hungarian Government's Agent, in a letter of April 18th, 1933, declared that the Hungarian Government "notes with satisfaction the notification of the withdrawal of the suits and also the fact that, accordingly, these proceedings, which had been instituted before the Court by the Government of the Czechoslovak Republic, are now happily terminated and no longer affect the relations between the Kingdom of Hungary and the Czechoslovak Republic".

The Court, holding that the withdrawal of the suits by the Czechoslovak Government, having been duly acquiesced in by the Hungarian Government and notified to the Court, terminated the proceedings begun, made an Order on May 12th, 1933, in which it noted the declarations of the two Agents, declared the proceedings in these suits terminated and decided that they should be removed from the list.

CHAPTER VI.

DIGEST OF DECISIONS TAKEN BY THE COURT

IN APPLICATION OF

THE STATUTE AND RULES.

(SIXTH ADDENDUM—1932-1933 [1].)

(See E 3, p. 173; E 4, p. 269; E 5, p. 243; E 6, p. 281; E 7, p. 273; E 8, p. 245.)

This Chapter consists in a sixth 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, Seventh and Eighth Annual Reports (Vol. Nos. 4, 5, 6, 7 and 8 of the same Series) constitutes the first, second, third, fourth and fifth addenda. The sixth 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 five addenda) where it has been found desirable to supplement or amend the statements contained in those volumes.

The analytical index of the present Chapter, which is given on pages 178 to 183, supplements that which has been reproduced in the Eighth Annual Report (p. 276); it is followed (p. 184) by an index of articles of the Statute and of another index of articles of the Rules, both embodying the original *Digest* of the Third Annual Report and the successive addenda.

[1] R.: Rules.
St.: Statute.

SECTION I.—STATUTE.

ARTICLE 21, PARAGRAPH 2.

Representation of Court with L. N.

In 1933, as in previous years, the Court appointed the Registrar (or his substitute) to represent it at the Assembly of the L. N. and before the Supervisory Commission.

ARTICLE 23.

RULES, ARTICLE 27, Nos. 1 and 2.

Opening of ordinary session.

The 26th Session of the Court began in Oct. 1932 and was declared closed on April 5th, 1933, after the termination of the Eastern Greenland case.

The Court's ordinary session (27th Session) was opened on Feb. 1st, 1933 (R., Art. 27). The President stated the fact at a public sitting held on Feb. 1st; he added that, in accordance with the Court's practice, the work of the ordinary session would not begin until the cases on the list of the 26th Extraordinary Session were finished, and that accordingly the latter session would continue for the time being.

Interruption in a session of the Court.

At the conclusion of the 26th Session (April 5th, 1933), the Court decided that there should be a break in the ordinary session until after the Easter holidays; at the resumption, it would take the case entered in the list for this latter session.

Arising out of this, the question was raised whether the composition of the Court could be changed in the course of a session. It was observed that, in accordance with precedent, no change in the composition of the Court was possible during the examination of a particular case, but that there was no objection to a change in the course of a session, provided that the composition of the Court for a particular case was not thereby affected.

Closing of the session.

During the break in the ordinary session of 1933, the Applicant announced the withdrawal of the suits in the session list, and the Respondent's Agent noted this withdrawal. In these circumstances, the President made an Order on April 19th, 1933, closing the 27th (Ordinary) Session of the Court. In the recitals of this Order it was stated that, whilst it rested with the Court subsequently to consider whether the conditions laid down in Art. 61, para. 2, of the R. were fulfilled in this case, it was possible, without prejudice to the decision to be taken by the Court in due course, to declare that the case was not ready for hearing and that the session list (R., Art. 28, para. 2) must therefore be regarded as "finished" (R., Art. 27, para. 2).

RULES, ARTICLE 27, No. 5.

Long leave.

In May 1931, the Court drew up the long leave roster. In view of the desirability of the composition of the Court being as far as possible known beforehand, a list giving, in addition to the names of those who were to receive long leave, a precise speci-

fication of the periods fixed for such leave, was communicated to all States entitled to appear before the Court.

Owing to special circumstances, connected with the work of the Court, the judge who was to take his leave at the end of 1932 found himself unable to go on leave at the period contemplated. The Court then decided to postpone this judge's leave by one year, the other leaves provided for in the roster being postponed for a corresponding period. The Court also decided to inform the governments of this change in the long leave roster; it was understood that this decision should not prejudge the question whether a similar communication was to be issued in respect of subsequent leave rosters.

ARTICLE 25.

Absence of judges.

During the 26th Session, a judge was indisposed and consequently unable to be present at a public sitting. The President, therefore, obtained the consent of the Agents of the Parties to this judge's continuing to sit, notwithstanding his inability to attend one or more hearings devoted to the case.

At a meeting for administrative questions held during the same session, two of the judges taking part in the session were absent. The Court agreed that, having been duly convened, it could validly deliberate.

Quorum.

At certain votes taken during the 26th Session, it happened that several judges abstained from voting and that consequently the number of judges who had actually recorded votes was less than nine. The quorum being nine, these votes were held to be of no effect.

ARTICLE 31.

Appointment of judges *ad hoc*.

In the suits appealing from judgments of the Hungaro-Czechoslovak Mixed Arbitral Tribunal, the applicant government reserved the right to appoint a judge *ad hoc* in the event of the Respondent seeing fit to do so. The Respondent appointed a judge *ad hoc*, but as the suits were subsequently withdrawn, the appointment of a judge *ad hoc* by the Applicant did not take place.

Entering upon duty of judges *ad hoc*.

In connection with the appointment of judges *ad hoc* in the Eastern Greenland case, the Registrar notified the representatives of the States concerned, in order to remove some uncertainty which had become apparent, that, in accordance with the Court's practice, it was desirable that judges *ad hoc* should be appointed sufficiently early to be able, like their regular colleagues, to follow step by step the proceedings in the case in which they were to take part. This amounted to saying that they should be appointed before the expiration of the time-limit fixed for the filing of the first document of the written proceedings. Furthermore, with regard to the date as from which the terms of Art. 16 of the St. became applicable in respect of a duly appointed judge *ad hoc*, the Registrar stated that, according to the Court's practice, this

date coincided with the date on which the judge in question made the solemn declaration provided for by Art. 20 of the St., because only on that date did he formally enter upon his duties. In accordance with precedent, the obligation incumbent upon a person exercising any political or administrative function, who was appointed as judge *ad hoc*, to obtain release therefrom in order to place himself at the disposal of the Court, only came into existence as from the day on which he actually entered upon his duties as a judge.

Presence of judges *ad hoc* in proceedings for indication of interim measures of protection.

In the case concerning South-Eastern Greenland (Application for the indication of interim measures of protection) the Court, on July 22nd, 1932, adopted the following decision: "The Court, having regard to the fact that in this case the presence of judges *ad hoc* is not inconsistent with the urgent nature of interim measures of protection, decides to allow the judges *ad hoc* duly appointed by the Parties."

Presence of judges *ad hoc* for decision under Art. 61 of R.

At the 28th Session, in connection with the consideration of two orders terminating proceedings as a result of the withdrawal of the case by the Parties, it was agreed that, under the terms of the provisions in force and in accordance with precedent, the presence of judges *ad hoc* was not required when the Court was making orders under Art. 61 of the R.

ARTICLE 39.

Authoritative text of judgment.

In the Eastern Greenland case, the Court adopted the English text as the authoritative text of the judgment. The question having arisen whether the President could read out the version of the judgment which was not the authoritative version, it was observed that, from a constitutional standpoint, there was no objection to this. The Court decided to leave it to the President to choose which of the two versions he would read.

RULES, ARTICLE 37.

Written translations.

In the Eastern Greenland case, some copies of the English translation made by the Registry of certain documents of the written proceedings were, upon request, supplied for their information to the Agents of the Parties concerned in the case. Their attention was, however, drawn to the fact that this translation was intended solely for the internal use of the Court and that it could not, therefore, be adduced as against the original text, of which it was not an interpretation.

In the case regarding the interpretation of the Convention concerning employment of women during the night, the Registrar also supplied the Agents of the interested governments, at their request, with the English translations made by the Registry of written statements filed in French, but at the same time drew their attention to the fact that, under Art. 37 of the R., the Registry was not bound to translate documents filed in one of the Court's official languages.

RULES, ARTICLE 44.

Oral interpretations.

During a case taken at the 26th Session, a proposal was made that the interpretations into French or English of speeches made in English or French should be dispensed with. The Court, however, decided to maintain these interpretations because, in the first place, the members of the Court were not all equally conversant with the Court's two official languages; in the second place, the interests of the Parties, the Press and the public had to be considered and, in the last place, the pauses requisite for interpretation reduced the fatigue of the hearings not only for the judges but also for Agents and Counsel.

When approving the budget estimates for the financial year 1934, the Court discussed the general question of the abolition of interpretations. It decided, however, to maintain them as the general rule, which might, however, be deviated from by express decisions in individual cases. In this connection, it adopted the following resolution on March 29th, 1933: "The Court will decide, in sufficient time before the opening of the oral proceedings in each case, whether it is desirable to dispense with oral translations at the public hearings. Should the Court not be sitting, this decision will be taken by the President."

ARTICLE 40.

Filing of applications.

Under Art. 40 of the St., applications are "addressed to the Registrar". Nevertheless, ever since the outset—the Application in the *Wimbledon* case constituted the precedent—applications have, in form, been addressed to the "President and Judges of the Permanent Court of International Justice". Though headed thus, applications have been either handed personally to the Registrar or transmitted to that official by a letter addressed to him. The practice which has arisen may, therefore, be regarded as conforming to the terms of Art. 40. In the Memel case, however, in which the Application was presented by four Powers acting jointly, two of the four covering letters were addressed to the President of the Court, whereas the other two were addressed to the Registrar. The attention of the governments concerned was drawn to this point of form for their information and guidance.

RULES, ARTICLE 35.

Form and contents of application.

In the course of the 25th Session, the Czechoslovak Government filed, under Art. X of Agreement No. II of Paris of April 28th, 1930, an Application "appealing" from certain judgments of the Hungaro-Czechoslovak Mixed Arbitral Tribunal. This Application presented certain features which raised doubts as to whether it could be entertained. In the first place, it was filed by the Czechoslovak Government's Agent-General before the Mixed Arbitral Tribunals, without his appointment as Agent before the Court having been notified to the latter by a duly authorized representative of the applicant Government. In the second place, the Court was requested to call upon the Mixed Arbitral Tribunal

to transmit to it the records of the cases covered by the appeal. Lastly, it was questionable whether the document filed constituted an Application within the meaning of Art. 40 of the St.

The Court decided to instruct the Registrar to take the necessary steps to obtain confirmation from the applicant Government with regard to the appointment of its Agent before the Court, and, after obtaining this confirmation, to issue the communications and notifications laid down by Art. 40 of the St. and cognate provisions. With regard to the latter point, it was held that the official notification of an application to the respondent Party did not prejudge the question of the admissibility of the application; such notification, however, settled the question whether the document filed did or did not constitute an application within the meaning of Art. 40 of the St.

Lastly, the Court decided to fix time-limits for the proceedings, but the order was to be so drafted that any question of admissibility should be left entirely open.

RULES, ARTICLE 38.

Preliminary objections; nature of proceedings.

Upon the filing of the Polish Government's preliminary objection in the case concerning the administration of the Prince von Pless, the President, in view of the urgent nature of proceedings in regard to objections, himself fixed the date for the filing of the German Government's observations upon the objection, notwithstanding the imminence of the Court's session; at the same time, he informed the Parties, pursuant to the last paragraph of Art. 38 of the R., that the further proceedings in regard to the objection would be oral.

In connection with a preliminary objection filed in another case, it was however recognized that, though the object of Art. 38 of the R. was to hasten the procedure in regard to objections, preliminary objections were not to be regarded as entitled in every case to priority.

Preliminary objections; joinder.

In the two cases concerning "appeals" from judgments of the Hungaro-Czechoslovak Mixed Arbitral Tribunal, the Respondent filed preliminary objections. Since the documents submitting these objections were, *mutatis mutandis*, couched in the same terms, since the same considerations of fact and of law were adduced, and since the conclusions were likewise the same, the Court, by an Order of Oct. 26th, 1932, joined the preliminary objections.

ARTICLE 41.

RULES, ARTICLE 57.

Proceedings for indication of interim measures of protection.

In the case concerning South-Eastern Greenland, a judge raised the question whether he could take part in the proceedings upon the request for interim measures of protection, even though he were prevented by circumstances from taking part subsequently in the hearing of the case on its merits. The Court held that there was nothing to prevent the judge in question from taking part in the proceedings in regard to the question of interim

measures of protection, since those proceedings were distinct from the proceedings on the merits.

In the same case, the Court decided (R., Art. 57) to hold a public hearing in order to give the Parties an opportunity of presenting their observations orally; these observations were to be briefly summarized in a document to be filed at the conclusion of the hearing. The presentation of an oral reply and an oral rejoinder was authorized by the Court. The Parties were expressly warned that in their observations they were on no account to trespass upon the merits of the dispute.

As regards the admission of judges *ad hoc* for the purposes of the proceedings in regard to the request for interim measures of protection, see p. 162 (St., Art. 31). As regards the form of the Court's decision, see p. 171 (St., Art. 48).

In the Prince von Pless case, the German Government, on May 3rd, 1933, filed an Application for the indication of interim measures of protection in connection with certain measures of constraint decreed by the local authorities against the Prince von Pless. An extraordinary session of the Court was at once convened for May 10th, and the Parties' Agents were asked if they wished to avail themselves of the opportunity of submitting their observations afforded them by the Rules. A date was fixed on which the hearing would, if necessary, be held [1].

ARTICLE 43, PARAGRAPHS 2 and 3.

RULES, ARTICLE 33, paragraph 1.

Fixing of time-limits for written proceedings.

In the Order fixing the time-limits in the suit appealing from two judgments given on Dec. 21st, 1931, by the Hungaro-Czechoslovak Mixed Arbitral Tribunal, the Court only fixed time-limits for the Case and Counter-Case; it announced that it would, if necessary, subsequently fix time-limits for the filing of a Reply and Rejoinder.

The same course was adopted in the suit appealing from a judgment given on April 13th, 1932, by the Hungaro-Czechoslovak Mixed Arbitral Tribunal. In this suit, the Court also decided to fix the same time-limits as in the previous suit, in order to simplify the procedure should the Respondent see fit to lodge preliminary objections in both cases.

In the South-Eastern Greenland case, the Court also confined itself to fixing time-limits for the Case and Counter-Case, announcing that it would, if necessary, subsequently fix time-limits for the filing of a written Reply and Rejoinder. The Court held that, in view of the special circumstances of the case, regard should be had to the possibility that the Parties might subsequently wish to waive their right to present a written Reply and Rejoinder.

[1] Furthermore, the President sent a telegram to the Polish Minister for Foreign Affairs, suggesting to him the desirability of considering the possibility of suspending any contemplated measures of constraint directed against the Prince of Pless pending the meeting of the Court and pending its decision upon the Application.

In a case for advisory opinion, the Court had fixed, in addition to a time-limit for the presentation of a first written statement, a date for the presentation of a second statement, reserving until later its decision whether this second statement should be authorized. After the first statement had been filed, the Court decided, first, to authorize the submission of second statements by the date fixed for the purpose by those States or organizations which had already filed one statement and, secondly, that States or organizations to which the request had been notified, but which had not submitted a statement within the first time-limit fixed, might, if they expressed a wish to that effect, be allowed to submit a statement by the date fixed for the filing of the second statement. Subsequently, one government asked to be allowed to submit a statement, and permission was granted by the Court.

RULES, ARTICLE 33, paragraph 2.

Extension of time-limits in written proceedings.

In the Memel case, the time-limit for the filing of the Counter-Case was fixed to expire on May 31st, 1932. The Respondent asked for an extension of this time-limit until August 1st. No extension was, however, granted because the Case filed by the applicant Powers was not a bulky document and raised no new issues, and also because it was necessary to bear in mind the urgent nature of the case as evidenced both by the fact that the applicant Powers had waived their right to file a written Reply and by the fact that—as mentioned in the Application—the case had already formed the subject of international proceedings and direct diplomatic negotiations which had proved fruitless.

In the matter of the preliminary objections lodged by the Hungarian Government respecting the suits brought by the Czechoslovak Government appealing from judgments of the Hungaro-Czechoslovak Mixed Arbitral Tribunal, the Court, when fixing by order the time-limit for the filing of the Czechoslovak statement in regard to these objections, had invited the Agents of the two Parties to submit within the same limit of time observations setting out the views of their respective Governments on certain questions regarding the Court's jurisdiction, which arose in connection with this case (cf. p. 172, St., Art. 49). In the course of a break in the session of the Court, the Czechoslovak Agent asked for a considerable extension of the time-limit for the presentation of his observations. As the Court, although in session, could not be assembled, the President, having regard to the fact that the Court had made a point of fixing the same time-limit for the filing of the Czechoslovak statement upon the objections as for the filing of the observations, decided to submit the question to the Court itself when it re-assembled. As, however, the Court was not to re-assemble before the date of expiration of the time-limit, the Agents were notified that this circumstance would not prejudice the interests of the Parties and that, accordingly, a certain extension of time would in any case be granted.

Before the expiration of the time-limit, the Hungarian Government had filed its observations on the question of jurisdiction. The Czechoslovak Government, for its part, had filed its statement

on the preliminary objections by the date of expiration of the time-limit, but not its observations on the question of jurisdiction. Accordingly, the points to be settled were, first, whether the Court was willing to extend the time-limit fixed for the filing of these observations and, secondly, what procedure was to be adopted (1) with regard to the Czechoslovak statement upon the objections, and (2) with regard to the Hungarian observations.

The Court decided to grant an extension of the time-limit for the filing of the Czechoslovak observations on the question of jurisdiction. It also decided to inform the Hungarian Government's Agent that the new time-limit fixed applied equally to the presentation of the Czechoslovak and the Hungarian observations. The latter having already been filed, the Court decided that they should not be communicated to the judges and the other side until the new time-limit fixed had expired and that, in the meantime, they should be kept at the disposal of the Agent in case he should wish to amend or add to them.

As regards the Czechoslovak statement upon the objections, the Court decided forthwith to communicate it to the judges and to the other side.

Belated filing of documents.

In the case regarding the interpretation of the Convention concerning employment of women during the night, one written statement was filed one day—and another eleven days—after the expiration of the time-limit fixed. The President, however, applying the terms of para. 2 and 3 of Art. 33 of the R., decided that these documents should be considered as having been validly filed.

RULES, ARTICLE 33, paragraph 3.

Powers of President.

Before the break—from Dec. 18th, 1932, to Jan. 15th, 1933—in the 26th Session, the Court anticipated the possibility of the presentation during this break of a request for an advisory opinion to which the urgency clause would be attached. It was understood that, if this happened, the President would make an order fixing the times for the written proceedings. The Court agreed that if such an order were made, the expression "as the Court is not sitting" should be inserted.

RULES, ARTICLE 34.

Filing of printed copies of documents of written proceedings.

In the suits appealing from judgments given by the Hungaro-Czechoslovak Mixed Arbitral Tribunal, the Cases, as filed, were not in all respects in conformity with the provisions governing procedure before the Court. Pursuant to Art. 16 of the Instructions for the Registry, the Registrar drew the attention of the Agent who had filed these Cases, *inter alia*, to the fact that, contrary to Art. 34 of the R., all the copies of the Cases had been filed in roneographed form. It was however agreed that, notwithstanding this defect of form, the Cases would be considered to have been validly filed within the prescribed time-limit.

Filing of supplem. copies of

In the Eastern Greenland case, the President, making use of the power conferred upon him by Art. 34, para. 3, of the R., ordered fifty additional copies of all the documents of procedure presented

documents of written proceedings.

to the Court by the two Parties in this case to be filed. This decision was taken in view of the request made by the Agent of one of the Parties to the effect that, in addition to the customary seven copies, fifty copies of the other Party's Case should be placed at his government's disposal.

Printing 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. Chap. VI of preceding Annual Reports), the following are to be appended:

Cases.	*Documents printed by Court.*
Eastern Greenland.	Danish Reply and annexes.
Employment of women during the night.	All documents, with the exception of the British and German Statements.
Hungaro-Czechoslovak Mixed Arbitral Tribunal (appeal from two judgments).	Czechoslovak Memorial. Czechoslovak Statement.

When approving the budget estimates for the financial year 1934, the Court discussed certain questions concerning Series C. of its publications. Amongst other things, a proposal was put forward that, for the future, an arrangement should be envisaged under which States would be required to pay the whole or a part of the costs of setting up in type and of printing those parts of the volumes of this series containing their written statements, the annexes to those statements, the record of oral statements made on their behalf in Court and, finally, documents filed by them during the hearings. The legal basis for an arrangement of this kind was to be found in Art. 34, para. 3, of the R. Without, for the time being, committing itself on questions of principle, the Court authorized the Registrar to inform the Parties in future cases beforehand that the old practice concerning printing of documents might be discontinued and that the new method above described might be substituted for it.

RULES, ARTICLE 40.

Documents in support.

In the case concerning the Administration of the Prince von Pless, the Case filed contained but one annex. Having regard to the terms of Art. 40, para. 1, head 4, of the R., the Court decided to call upon the Agent for the applicant Government to produce all documents which were cited in the Case and which had not previously been filed; these documents were to be submitted in the form of a supplementary volume within a fixed time. It was nevertheless understood that the Case should be held to have been filed within the prescribed time-limit.

A Case, filed with the Court in the autumn of 1932, presented certain defects of form. For instance, an annex to the Case was furnished solely in a language other than one of the Court's official languages. Pursuant to Art. 16 of the Instructions for the Registry,

the Registrar, *inter alia*, drew the attention of the Agent who had filed the Case to this fact and informed him that a translation of this annex into one of the Court's official languages should be supplied to the Registry; he also pointed out that, according to the interpretation placed by the Court on Art. 40, para. 1, head 4, of the R., any document relied upon in the Case must be annexed thereto with, if necessary, a translation into one of the Court's official languages. Nevertheless, it was understood that, notwithstanding the defects which it presented, the Case would be considered to have been duly filed within the prescribed time-limit.

RULES, ARTICLE 42.

Transmission of documents of written proceedings.

In the Eastern Greenland case, the Parties, pursuant to a decision of the President, received fifty additional copies of all the documents of the written proceedings. In the case of the Norwegian Government's Rejoinder, the Parties' Agents jointly proposed that these fifty additional copies should be transmitted direct (without passing through the Registry). The Registrar informed them that there was no objection on the part of the Court to this procedure.

Communication of documents of written proceedings to governments.

During the 26th Session, a government asked to receive the Cases and documents relating to a particular suit. The Registrar at once sent to the Parties' Agents the customary letters in order to obtain their views in regard to the request. Before the replies had been received the Court, in order to save time, decided to grant the request of the government in question, should the Agents' answers be favourable. On this occasion it was observed that the Court would be entitled to give its consent even if the Agents' answers were unfavourable.

The Court adopted the same course in connection with a similar request made by a government in another case.

In a contentious case, a government asked to receive the documents of the written proceedings in that case, giving as the reason for its request a dispute pending at the time between it and another government. There being no provision for a step of this kind in the R., the Registrar asked the Court for the necessary authorization before approaching the Parties' Agents. The Court decided that if the Parties agreed to the communication of the documents of the written proceedings to the government in question, the Registrar might supply them; he was, however, to inform the diplomatic representative of the other government concerned in the dispute mentioned by the government making the request that the documents were also at his disposal.

Documents of written proceedings communicated to public.

In view of the interest aroused by the Eastern Greenland case, the Registrar, in the course of the proceedings in this case, approached the Parties' Agents in order, unofficially, to ascertain what attitude the Parties might be expected to adopt if circumstances made it necessary for the Court (R., Art. 42, para. 3) to seek the consent of the Parties to the communication to the public of the documents of the written proceedings before the termination of the case. The Agents stated that, so far as their governments were

concerned, there was no objection to this. Subsequently, a private person, who took a great interest in the case from a scientific point of view, asked to be supplied with the documents in the proceedings, and the Court decided to grant his request.

ARTICLE 43, PARAGRAPH 5.

Oral proceedings.

In the case concerning the interpretation of the Statute of Memel, in which the Application comprised six points, the oral proceedings in the first place only bore upon four points, the Respondent having filed a preliminary objection in regard to two points of the Application. After overruling this objection, the Court fixed a time-limit for the submission of a Counter-Case on these points and, when this Counter-Case had been filed, held further sittings in order to hear thse two points argued upon their merits. This argument was regarded simply as a continuation of the argument upon the first four points of the Application.

RULES, ARTICLE 33.

Time for preparation of answer, reply and rejoinder.

In the Eastern Greenland case, the Court decided to allow the respondent Party four days to prepare its answer.

Subsequently, the Applicant asked for six days to prepare the reply, on the ground that the Respondent's answer had been on lines entirely different from those of the Applicant's first statement. The Court saw fit to grant this request. But since, as a result, the hearing of the case could not be concluded before the Christmas holidays, the Court decided to suspend the hearing at the conclusion of the answer and to resume it in January when the reply and rejoinder would be presented.

It also decided to grant the respondent Party, after the conclusion of the reply and at its request, the time necessary for the preparation of the rejoinder, having regard to the time which the other Party had had for the preparation of the reply.

RULES, ARTICLE 41.

Date of opening of hearings.

In a case taken at the 26th Session, the Court had provisionally fixed the date for the beginning of the oral proceedings before the case was ready to be heard. As soon as the case became ready for hearing, the President—a quorum of judges not being available at The Hague—took the actual decision; he fixed the date provisionally chosen by the Court.

One of the Agents stated that he would not be in a position to present his case owing to the very short notice given by the Court and that he could not be present at the seat of the Court on the date indicated. In these circumstances, the Court decided to postpone the hearing by three days.

RULES, ARTICLE 46.

Order of pleading.

At the public sitting held by the Court to hear the observations of the Parties upon the request for the indication of interim measures of protection in the South-Eastern Greenland case, the President reminded the Parties' representatives that, according to the practice of the Court, there was no objection to the dividing up of

the main statement of each Party amongst several persons, provided that the various speakers dealt with different points or different aspects of the subject, which incidentally in that case was strictly limited. Replies and rejoinders were sanctioned by the Court, but, in that case, these were to be presented by a single speaker on behalf of each Party.

No notice of an agreement between the Parties having been received by the President, the representative of the State making the request for interim measures was called upon to address the Court first.

In the case relating to the interpretation of the Convention concerning employment of women during the night, the representatives of governments and interested organizations spoke in the order laid down in an agreement on the subject concluded between them and duly communicated to the President.

ARTICLE 48.

Form of the Court's decisions.

The Court's decision on the request for the indication of interim measures of protection submitted in the case concerning South-Eastern Greenland was given in the form of an order. Previous decisions relating to requests for interim measures had also been given in this form; the situation had, however, altered in some respects since the amendment of the Rules in 1931: before that, such a decision could, if the Court was not sitting, be taken by the President alone, and without giving the Parties an opportunity of presenting their observations.

The reason for the Court's decision to employ the form of an order appears to be that measures of protection are essentially provisional in character, whereas judgments are final decisions; again, measures of protection may be indicated by the Court *proprio motu*, whereas this would not be possible in the case of a judgment.

In the case concerning the Administration of the Prince von Pless (prelim. objection), the Court decided to join the objection to the merits of the suit. The Court, in settling the question whether this decision should take the form of a judgment or that of an order, adopted the latter, in view of the terms of Art. 48 of the St. and because a judgment would end the existence of the preliminary plea, whereas an order would leave it in being, until the opening of the proceedings on the merits.

Reading of orders at public sittings.

In connection with the Order of Jan. 26th, 1933, terminating proceedings in the Castellorizo case in accordance with Art. 61 of the R., the question was raised whether the order should be read out at a public sitting, seeing that, apart from the fixing of time-limits, no proceeding had been taken in the case. The Court decided that the order should not be read. This decision, however, was not to constitute a general decision henceforth binding upon the Court with regard to the question whether orders of the same kind should or should not be read at a public sitting. It was also agreed that the President should, in the course of a public sitting,

mention the fact that the Court had made an order recording the discontinuance of proceedings by the Parties in this case.

On the other hand, the order of the Court relating to the request for the indication of interim measures of protection submitted in the South-Eastern Greenland case was read out at a public sitting, the request having been the subject of oral proceedings.

Like the order terminating the proceedings in the Castellorizo case, the orders closing the proceedings in the South-Eastern Greenland case and in the cases of the appeals from certain judgments of the Hungaro-Czechoslovak Mixed Arbitral Tribunal, as also the order made upon the Application for the indication of interim measures of protection in the Prince von Pless case (cf. p. 175, R., Art. 61), were not read out at a public sitting. The Court decided that these orders should be dated the day on which they were adopted and that they should be communicated to the Parties by letters from the Registrar.

ARTICLE 49.

Request for information.

In the suits appealing from judgments of the Hungaro-Czechoslovak Mixed Arbitral Tribunal, brought before the Court under Art. X of Agreement No. II of Paris of April 28th, 1930, the Respondent filed preliminary pleas to the effect that the Applications in question had been submitted too late. The Court, when fixing the time-limit for the presentation of a written statement upon the preliminary objections, also instructed the Registrar to inform the Parties' Agents that it was anxious that the two Parties should, before any argument, state their respective views as to the scope of Art. X of Agreement No. II of Paris in relation to the statutory provisions governing the jurisdiction and working of the Court.

In a subsequent communication, the Registrar explained to the Agents that the Court regarded these observations, not as a step in the proceedings contemplated by the Statute, but as one designed to assist the Court in its task and which the Parties might be good enough to take in response to the Court's request.

Written observations on this question were filed by the Parties by the date fixed by the Court for the purpose.

In the letters informing the Parties' Agents of the date of the opening of the oral proceedings, the Registrar, on the instructions of the Court, informed them that the Parties' oral statements should cover both the objections lodged by the Respondent and the question above mentioned.

Subsequently, the cases in question were withdrawn. A new case, however, concerning an appeal from a judgment of the Hungaro-Czechoslovak Mixed Arbitral Tribunal was brought under Art. X of Agreement No. II of Paris, and the Court instructed the Registrar to write to the Parties' Agents requesting them to state whether their governments wished, in connection with the new case, to add to the written observations filed by them in the previous cases.

ARTICLE 52.

Admissibility of evidence.

In the Eastern Greenland case, the representative of the respondent Government, in his oral rejoinder, adduced certain new documents, whereupon the Agent for the Applicant, citing Art. 48 and 52 of the St., asked the Court "to refuse to accept the fresh facts invoked in the rejoinder". In view of this proceeding, and having regard also to certain reservations made by the Respondent in respect of new documents used in the oral reply, the Court reserved the right to refuse the fresh documents produced on either side in the oral reply and rejoinder and also to give the Applicant's Agent an opportunity of presenting his observations on the fresh documents produced in the rejoinder. Subsequently, such an opportunity was given, after the conclusion of the rejoinder, to the Agent in question who, having been enabled to comment on the fresh documents, withdrew his objection to their admission. The Court, accordingly, declared that, in so far as the terms of Art. 52 of the St. were applicable to the evidence produced by one of the Parties, the consent of the other Party, which is required under that Article, might be regarded as having been obtained and that, consequently, the fresh documents were admitted by the Court. It was decided to mention these facts in the Court's judgment.

In connection with this incident, the rules which emerged from the Court's practice were stated: the first—which holds good equally as regards submissions and evidence—is that a submission can no longer be amended or new evidence produced by a Party at a moment when the other Party no longer has an opportunity of presenting observations upon the amended submission or the new evidence. The second rule is that, in the absence of a special decision, the time referred to by Art. 52 of the St. coincides with the termination of the written proceedings; but if new documents are subsequently produced by a Party, the consent referred to in Art. 52 is presumed unless the other Party has objected to the production of such documents.

ARTICLE 54.

Deliberation of the Court.

In the case concerning the interpretation of the Statute of Memel, the Application comprised six points, in respect of two of which the Respondent lodged a preliminary objection. After hearing argument on the merits submitted by the Parties in respect of the first four points, the Court began its deliberation and, after discussion, appointed a Drafting Committee, although the deliberation was not concluded. The Court, after it had overruled the preliminary objection respecting points 5 and 6 of the Application and had heard argument on the merits in respect of these points, concluded its deliberation and the same Drafting Committee dealt with points 5 and 6.

As regards the absence of judges at a meeting, see p. 161 (St., Art. 25).

ARTICLE 55.

Voting.

In the course of the 25th Session, it was laid down that, at the taking of a final vote upon a decision of the Court, no judge could be permitted to abstain from voting, though he had the right to make a statement explaining his vote. In the same way, it was recognized that it was impossible to vote upon the operative part of a decision and not upon the grounds thereof; for, under Art. 56 of the St., the statement of reasons and the operative clauses are regarded as an indivisible whole.

Casting vote of President.

During the 26th and 28th Sessions, the President had, on several occasions, to make use of his casting vote. In two cases, he postponed his decision and, finally, gave his casting vote in a sense contrary to his original vote. In another case where the votes were equally divided, the President had abstained from voting; it was held that, notwithstanding his abstention, the question could be decided by reason of his "casting vote".

ARTICLE 56.

RULES, ARTICLE 61.

Cases withdrawn.

In the Castellorizo case, the Italian and Turkish Governments informed the Court that they intended to break off the proceedings instituted by the Special Arbitration Agreement of May 30th, 1929. On Jan. 26th, 1933, the Court made an order declaring that the proceedings begun in this case were thus terminated and removing the case from the list.

In the South-Eastern Greenland case, the Agents of the Parties concerned informed the Court, by letters of April 18th, 1933, that, as the Norwegian Government had revoked its declaration of occupation of July 12th, 1932—which had led to the filing of Applications by the Danish and Norwegian Governments submitting this case to the Court—these Governments each withdrew the respective suits brought by them. As the Court was not sitting, the President reserved its right subsequently to consider whether, in view of the fact that the proceedings in the case had been terminated, it should order the removal of the case from the list.

The same procedure was adopted in the two suits appealing from judgments of the Hungaro-Czechoslovak Mixed Arbitral Tribunal, after the applicant Government's Agent had informed the Court that his government was withdrawing the appeals and the respondent Government's Agent had stated that he noted this withdrawal and accordingly regarded the disputes as terminated.

When the Court met for its 28th Session, it made orders[1] declaring the proceedings in these cases terminated and ordering their removal from its list. These orders were not read out at a public

[1] See Chapter V, pp. 156-157.

hearing but communicated to the Parties by letters from the Registrar (cf. above, Art. 48). They refer to Art. 61 of the R. ("Having regard to .... Art. 61 of the Rules"), but do not quote its terms and do not adopt its terminology.

In the Prince von Pless case, the German Government submitted an Application for the indication of interim measures of protection in consequence of certain measures taken by the Polish authorities against the Administration of the Prince von Pless [1]. The Polish Government having sent the Court a declaration to the effect that the measures in question had been revoked and that no further measures would be taken pending the final settlement of the case, the German Government's Agent, in a communication addressed to the Court, announced that his Government was in agreement with the course adopted by the Polish Government for the settlement of the question, and requested the Court, applying by analogy Art. 61, para. 1, of the R., to note the agreement reached.

When the Court considered the matter, it agreed that, in view of these declarations, there was no necessity to hear the Parties and that it could confine itself to terminating the proceedings in regard to the German Application by means of an order.

As regards the operative clauses of the order terminating the proceedings set on foot by the German request, the Court decided not to employ in the operative clauses the wording of Art. 61, para. 1, of the R., according to which "the Court shall officially record the conclusion of the agreement", but to note the fact that the Polish Government had annulled the measures taken, to take note of its declaration that it would suspend any such measures until the case had been decided, to note the German Government's declaration that it was in agreement and, accordingly, to declare that the German Application had ceased to have any object. Neither the terms of para. 1, nor those of para. 2 of Art. 61 of the R. were quoted in the order, which, however, refers to that Article ("Having regard to .... Art. 61 of the Rules").

ARTICLE 58.

Delivery of a judgment.

In the Eastern Greenland case, it was agreed that the President, in view of the length of the judgment, might, in accordance with precedent, receive assistance and that, for example, a part of the judgment might be read by the Vice-President.

For the reading of the judgment in the version other than the authoritative one, see p. 162 (St., Art. 39).

ARTICLE 63.

RULES, ARTICLE 60.

Intervention.

In the Special Agreement submitting the Castellorizo case to the Court, the latter was, *inter alia*, asked to decide whether, under the Treaty of Lausanne, certain islands were to be assigned to

[1] See p. 152 for a summary of the Order of May 11th, 1933.

Italy or to Turkey. The Registrar sent the notification provided for in Art. 63 of the St. to all States, other than Italy and Turkey, which had ratified the Treaty of Lausanne, i.e., to the Governments of Great Britain, France, Greece, Japan and Roumania. When the case was subsequently withdrawn by the Parties concerned and the proceedings were declared terminated by the Court's Order of Jan. 26th, 1933, this fact was notified by the Registrar to the governments of the States above mentioned.

In the cases concerning appeals from judgments of the Hungaro-Czechoslovak Mixed Arbitral Tribunal, the Applications of the Czechoslovak Government were submitted under Agreement No. II of Paris of April 28th, 1930. They also related to the interpretation of certain provisions of the Treaty of Trianon. Pursuant to Art. 63 of the St., the Applications were communicated to the governments of all States which had signed and ratified either the Treaty of Trianon or Agreement No. II of Paris.

In these cases, preliminary objections were lodged by the Hungarian Government. In view of the fact that these objections concerned the interpretation of Art. X of Agreement No. II of Paris, they were communicated, pursuant to Art. 63 of the St., to all States which had signed and ratified that agreement, but not to signatories of the Treaty of Trianon. This proceeding was made necessary because the Court's practice in this respect had, in accordance with Art. 60 of the R., become stabilized so that the "convention in question", in the terms of Art. 63 of the St., is the convention the construction of which is, *prima facie*, decisive for the settlement of the case.

Subsequently, the Czechoslovak Government, having asked for an extension of the time allowed for the presentation of observations which the Court had called for from the Parties regarding the scope of Art. X of Agreement No. II of Paris in relation to the Court's jurisdiction, gave, as a reason for this request, the necessity for consulting the two States other than Hungary with which it had jointly assumed the obligation devolving from this provision. In this connection, the Registrar was instructed by the Court to point out to the Czechoslovak Agent that, in any case, the observations in question could only be regarded by the Court as presented on behalf of the Czechoslovak Government alone. If other States wished to make known their views, they must proceed by way of intervention as provided in Art. 63 of the St.; it was for that reason that all States which were parties to Agreement No. II of Paris had been notified by the Registrar, pursuant to Art. 63 of the St.

ARTICLE 64.

Costs of the procedure.

In the Eastern Greenland case, each Party prayed the Court to order the other Party to pay the costs of the suit. The Court, however, held that there was no need in this case to deviate from the general rule laid down in Art. 64 of the St., namely, that each Party will bear its own costs.

SECTION II.—ADVISORY PROCEDURE.

RULES, ARTICLE 73.

Application by analogy of Art. 63 of St.

In the case for advisory opinion regarding the interpretation of the Convention concerning employment of women during the night, the same method was employed as in several previous cases: the special and direct communication provided for in Art. 73, No. 1, para. 2, of the R. was sent to the four international organizations which could be considered directly interested in the question at issue; further, a letter drawing their special attention to Art. 73, No. 1, para. 3, of the R. was sent to governments of States which had ratified the Convention above mentioned.

In reply to this communication, one government announced that it wished to be represented before the Court in the case; the Court decided to grant this request. Further, a government which had signed but not ratified the Convention and to which, accordingly, the above-mentioned communication had not been addressed, expressed a wish to be allowed to submit a statement. The President of the Court—which was not sitting—granted this request.

ANALYTICAL INDEX TO CHAPTER VI.

ABBREVIATIONS :

I. L. O. International Labour Office.
L. N. League of Nations.

[1] For index of articles of the Statute, see p. 184.
[2] ,, ,, ,, ,, ,, ,, Rules, see p. 187.

INDEX OF ARTICLES OF THE STATUTE [1].

[1] This index refers, in respect of each article of the Statute, to the decisions in connection therewith mentioned in the digest; it covers the original digest (Third Annual Report [= 3]) and the six addenda (Fourth to Ninth Annual Reports [= 4, 5, 6, 7, 8 and 9]).

INDEX OF ARTICLES OF THE RULES OF COURT [1].

[1] This index refers, in respect of each article of the Rules, to the decisions in connection therewith mentioned in the digest; it covers the original digest (Third Annual Report [= 3]) and the six addenda (Fourth to Ninth Annual Reports [= 4, 5, 6, 7, 8 and 9]).

CHAPTER VII.

PUBLICATIONS OF THE COURT.

Series of Publications.

The Court's publications are issued in the five following series: *Series A./B.*, Judgments, Orders and Advisory Opinions; *Series C.*, Pleadings, Oral Statements and Documents concerning Cases; *Series D.*, Acts and Documents concerning the organization of the Court; *Series E.*, Annual Reports; *Series F.*, General Indexes. (See the lists in E 8, pp. 310-321.)

The catalogue of the Court's publications gives a detailed list of these volumes, together with summaries or extracts from the tables of contents. (For publications recently issued, see addendum to Catalogue No. 9—published in February, 1933—as also the table given below. See further, for Series A./B. and C., the table reproduced in Chapter IV of this volume, pp. 91-103.)

New Publications issued in Series A./B. since June 15th, 1932:

Fascicule

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 of August 2nd and 3rd, 1932.

No. 49. INTERPRETATION OF THE STATUTE OF THE MEMEL TERRITORY.—Judgment of August 11th, 1932.

No. 50. INTERPRETATION OF THE CONVENTION OF 1919 CONCERNING EMPLOYMENT OF WOMEN DURING THE NIGHT.—Advisory Opinion of November 15th, 1932.

No. 51. DELIMITATION OF THE TERRITORIAL WATERS BETWEEN THE ISLAND OF CASTELLORIZO AND THE COASTS OF ANATOLIA.—Order of January 26th, 1933.

No. 52. ADMINISTRATION OF THE PRINCE VON PLESS (PRELIMINARY OBJECTION).—Order of February 4th, 1933.

No. 53. LEGAL STATUS OF EASTERN GREENLAND.—Judgment of April 5th, 1933.

No. 54. ADMINISTRATION OF THE PRINCE VON PLESS (APPLICATION FOR THE INDICATION OF INTERIM MEASURES OF PROTECTION).—Order of May 11th, 1933.

No. 55. LEGAL STATUS OF THE SOUTH-EASTERN TERRITORY OF GREENLAND.—Order of May 11th, 1933.

No. 56. APPEALS FROM CERTAIN JUDGMENTS OF THE HUNGARO-CZECHOSLOVAK MIXED ARBITRAL TRIBUNAL.—Order of May 12th, 1933.

Publications recently issued in Series C.:

No. 59. 25th Session (April—Aug., 1932).—Documents relating to Judgment of August 11th, 1932 (INTERPRETATION OF THE STATUTE OF THE MEMEL TERRITORY).

No. 60. 26th Session (Oct. 1932—April 1933).—Documents relating to Advisory Opinion of November 15th, 1932 (INTERPRETATION OF THE CONVENTION OF 1919 CONCERNING EMPLOYMENT OF WOMEN DURING THE NIGHT) [1].

No. 61. 26th Session (Oct. 1932—April 1933).—DELIMITATION OF THE TERRITORIAL WATERS BETWEEN THE ISLAND OF CASTELLORIZO AND THE COASTS OF ANATOLIA (case eventually withdrawn).

To be issued in the course of 1933:

Nos. 62 to 67. 26th Session (Oct. 1932—April 1933).—Documents relating to Judgment of April 5th, 1933 (LEGAL STATUS OF EASTERN GREENLAND). 6 vol.

No. 68. 26th Session (Oct. 1932—April 1933).—APPEALS FROM CERTAIN JUDGMENTS OF THE HUNGARO-CZECHOSLOVAK MIXED ARBITRAL TRIBUNAL (applications eventually withdrawn).

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German edition.

The following volumes of the German edition of the publications of Series A./B. had appeared up to June 15th, 1933: I (1922-1923); II (1924); III (1925); IV (1926); V (1927); VI (1928); VII (1929-1930); VIII (1931).

As indicated in preceding Annual Reports (see in particular E 5, p. 291), 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.

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[1] An abridged edition of this volume has been supplied to the International Labour Office, with a view to avoiding, *inter alia*, duplication of work in setting up type. The same course will be followed in other cases in which this Organization may be interested.

CHAPTER VIII.

THE COURT'S FINANCES.

1.—RULES FOR FINANCIAL ADMINISTRATION.

A.—Basis and Historical Sketch. (See E 1, p. 279.)

B.—The Financial Regulations. (See E 1, pp. 281-289; E 6, 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 E 1, p. 289; E 5, p. 295; E 6, p. 342; E 8, p. 323.)

The Eighth Annual Report (p. 324) mentioned the conclusions arrived at by the Supervisory Commission in regard to the grant of pensions to the widows and orphans of judges and of the Registrar of the Court and of invalidity pensions to members of the Court. On October 17th, 1932, the Assembly adopted the conclusions of the Commission's report. Accordingly, the Registrar is authorized, should a judge die, to pay to his widow and children below eighteen years of age a sum equal to three months of the deceased judge's salary.

(2) the registrar. (See E 1, p. 292; E 8, p. 325.)

(3) officials of the registry. (See E 2, p. 201; E 4, p. 327; E 5, p. 76; E 8, p. 325.)

The Eighth Annual Report referred to the discussions on the question of the reduction of salaries which took place during the 1931 session of the Assembly. At the following

session of the Assembly, the question was once more considered. The Fourth Committee's report summarizes the discussion and states the conclusions reached. Since the decisions taken also apply to officials of the Registry, it seems desirable to reproduce here the relevant passage from the report:

"The Committee reached the conclusion that it was important to decide the preliminary question whether the Assembly had or had not the right to modify unilaterally the contracts concluded with officials. Two methods were contemplated: a consultation of jurists and an award of the Administrative Tribunal, which, in the last resort, might in any case be called upon to decide a question of this kind. After a discussion during which the respective advantages of the two methods were put forward—rapidity and the fact that it was unnecessary to have recourse to a fictitious dispute in the case of the former procedure and the final nature of the decision in the case of the latter—the following resolution was adopted:

> 'The Committee decides to request the Chairman of the First Committee to invite a small number (from three to five) of jurists to give a legal opinion at the earliest possible moment as to the power of the Assembly of the League of Nations to reduce the salaries of the officials of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice.'

The report of the Committee of Jurists [1] appointed by the Chairman of the First Committee will be reproduced in the records of the Committee [2]. The conclusions of this report may be briefly summarized as follows:

'It is necessary to hold that the officials of the Secretariat, the International Labour Office and the Registry of the Court possess, in regard to the amount of their salaries, contractual rights', from which the Assembly is not entitled to 'derogate in the exercise of its budgetary authority'. The jurists accordingly expressed the view that:

> '.... the Committee is of opinion that the Assembly has not the right to reduce the salaries of the officials of the Secretariat, the International Labour Office and the Registry of the Court, unless such a right has been expressly recognized in the contracts of appointment.'

The Fourth Committee having noted that, in the terms of the opinion given by the jurists, the Assembly was not entitled to modify unilaterally the contracts entered into with its present officials, decided, in principle, that the scales of salaries in future should be reduced.

After a full discussion on the question whether the remuneration of members of the lower categories should or should not also be

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[1] These jurists were: MM. Andersen, Basdevant, Max Huber, Sir William Malkin and M. Pedroso.

[2] *Records of the Thirteenth Ordinary Session of the Assembly*, Minutes of the Fourth Committee, pp. 206-208.

reduced in the same proportion, the Committee adopted the following resolution:

> 'The Assembly decides that, for a period of two years from October 15th, 1932:
>
> (1) All future contracts, whether contracts for the retention of the services of officials of the Secretariat, the International Labour Office or the Registry of the Permanent Court of International Justice whose appointments expire, or contracts with new officials, shall be made on the basis of a 10 per cent. reduction of the existing salary scales of the categories of officials in question (such reduction applying also to the increments) and shall provide that the Assembly shall be entitled unilaterally to change the salaries fixed thereby.
>
> (2) Members of the staff of these organizations, on promotion to a higher grade, shall be placed upon rates or scales of salary lower by 10 per cent. than those now payable to the grades in question, except that the initial salary payable after such promotion shall not be less than the salary received prior to promotion.
>
> (3) It is understood that the above provisions will apply neither to temporary staff engaged on short-term contracts and serving on rates of pay already substantially reduced, nor to officials who receive a salary equal to, or less than, 6,500 francs per annum.'

It was understood that, for reasons of equity, the 10 per cent. reduction referred to above would not apply, except in the case of promotions, to officials who entered the service of the League before September 15th, 1931."

On October 17th, 1932, the Assembly adopted the report of the Fourth Committee and the resolution contained therein.

Amongst other questions, that of the salary of "counsellors" was once more postponed. In this connection, it should be mentioned that the two posts of this category (designated "principal secretaries") which, pursuant to the report of the Committee of Thirteen, are allowed in the organization of the Registry, have been filled, the first in 1931 and the second in 1933.

D.—Special Measures.

(1) Budget for 1933. (See E 8, pp. 326-336.)

It was stated in the Eighth Annual Report that the Council, on receipt of a memorandum from the Government of Great Britain emphasizing the necessity for reducing the expenses of the League of Nations, had referred to the Supervisory Commission for examination certain questions which the latter body, in the report presented by it to the Assembly (13th Ordinary Session), grouped under three heads: (1) reforms calculated to increase the efficiency of the organizations;

(2) staff salaries, and (3) control of expenditure and limitation of budgets.

Ad (1). In connection with the reforms to be envisaged, the Supervisory Commission's report contains the following statement: "As for the Registry of the Permanent Court of International Justice, which is not dealt with in this chapter, its staff is too closely calculated for this question to arise[1]." (See also Sir Malcolm Ramsay's report and the Registrar's observations upon this report below.)

Furthermore, the discussions which took place during the Thirteenth Session of the Assembly on the so-called question of "rationalization" resulted in the adoption of the following resolution (Oct. 17th, 1932):

> "The Assembly, on the basis, among others, of the proposals submitted to it by the Supervisory Commission, requests the latter to proceed to a detailed study of the possibilities of effecting economies in the expenditure of the League of Nations by means of a technical concentration of its activities and by any other means of reorganization and rationalization in the services of the Secretariat and of the International Labour Office, on condition, however, that these measures should in no way hamper the essential functions of the League.
>
> The Assembly requests the Governing Body of the International Labour Office, which has already undertaken studies and adopted measures in this direction, to lend its assistance with a view to this study as regards the International Labour Office and its co-operation with the Secretariat.
>
> For the purposes of this examination, the Supervisory Commission may enlist the assistance of special experts.
>
> The Supervisory Commission is requested to submit to the next ordinary session of the Assembly a report on the results of this examination.
>
> It is understood that posts which, as a result of this examination, may be regarded as superfluous may be abolished by the Secretary-General even before the said session.
>
> Nevertheless, in the case of larger readjustments, the Secretary-General should first submit the question to the Council for approval.
>
> The Assembly requests the Secretary-General to examine, in each case in which an existing contract comes to an end or a post becomes vacant for any reason, whether it is possible to postpone the appointment of new officials in order to permit of a detailed examination of the necessity to the League's activities of the duties in question."

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[1] Nevertheless, the Registrar declared his readiness to place certain officials of the Registry of the Court at the disposal of the Secretariat of the League of Nations for the duration of the Economic Conference in London. This offer, which was made possible because no session of the Court was anticipated during this period, was accepted by the Secretary-General.

It will be noted that this resolution does not concern the Registry of the Court.

Ad (2). In examining the second question, that of salaries, the Committee obtained the assistance of an expert, Sir Malcolm Ramsay, ex "Comptroller and Auditor-General" of the British Government. Sir Malcolm Ramsay's report to the Supervisory Commission contains the following passage regarding the Court's services:

"I have not been able to visit the Permanent Court of International Justice at The Hague, but my examination of its budget and of the material available in Geneva suggests that there is no sufficient occasion why I should have done so.

On this part of my reference I need say little except that I agree with the views expressed by the Registrar of the Court in the memorandum submitted to the Council on May 18th last [1].

Of the ordinary expenditure of the Court, for which approximately 1,267,000 florins was provided, after rigorous scrutiny, in the budget for 1932, about 852,000 florins or roughly two-thirds is required for the salaries, allowances and travelling of the judges—matters which are outside my terms of reference.

The salaries of the permanent staff, which, including the Registrar, number twenty-six, account for some 207,000 florins or 17 per cent., excluding any travelling or other allowances. As it seems to me, the Supervisory Commission may well accept the assurance of the Registrar that the staff, which is recruited exclusively by regard to the exigencies of the work and not on any principle of distribution by nationality, is no more than is required for the services of the Court. Their salaries have been fixed, as I understand, in general correspondence with those prevailing in the Secretariat for similar work. It would be proper then that, subject to any special conditions obtaining at The Hague, they should be brought into line with any changes introduced into the Secretariat in consequence of the recommendations made above."

The Registrar transmitted to the Supervisory Commission the following observations upon Sir Malcolm Ramsay's report:

"In so far as the Permanent Court is concerned, Sir Malcolm Ramsay's report calls only for a few simple remarks.

Sir Malcolm Ramsay recommends, in his report to the Supervisory Commission—as did the Committee of Thirteen—that the salaries of the staff of the Registrar's Office [2] should be brought in line

[1] See E 8, pp. 328-331.

[2] This name, which is, to some extent, the official one, is avoided in this note, as experience shows that—like its French equivalent—it is likely to lead to misunderstandings through inaccurate association of ideas.

with any changes introduced into the Secretariat 'subject to any special conditions obtaining at The Hague'; it is submitted that Sir Malcolm Ramsay would also not disagree with the Committee when—having regard to the consideration that 'the position of the staff of the Registry .... is not precisely similar to that of the Secretariat'—it suggests that 'the competent authorities [of the Court] must be allowed the utmost latitude as regards the manner of its [the Committee's proposals] application'; it is also and particularly submitted that the reservations made by the Committee of Thirteen in the course of its work respecting the Court's right itself to organize its own services (Art. 32 of the Statute and Art. 22 of the Rules) should still hold good.

In view of the standpoint thus adopted by the expert, it is not necessary, in this note, to deal with considerations which would seem to apply equally to officials on the pay-roll of all League organizations, whether at The Hague or at Geneva.

Accordingly, only considerations which relate to the 'special conditions' obtaining at The Hague will be developed.

As regards these conditions, it is obvious, in the first place, that circumstances of a purely economic or financial character are contemplated, such as the purchasing power of the local currency, the movement of prices and, generally speaking, the cost of living. The moment would not yet seem to have arrived when these circumstances can be usefully discussed.

But it is submitted that conditions are special at The Hague in other respects also, and more particularly as regards the operation of those very elements which Sir Malcolm Ramsay has taken into account in framing his report. These elements are: (1) the nature of the work as compared with the work of diplomatic officers; (2) over-grading; (3) expatriation; (4) promotion.

An attempt will be made in the following pages to indicate some aspects of these elements which would seem to be special to The Hague either in kind or in degree.

It should be recalled, at the outset, that a short note briefly outlining the organization of the Registrar's Office and the work devolving on the various services comprised therein was prepared for the use of the Committee of Thirteen, at its request, and is reproduced in the Court's Seventh Annual Report (1930-1931), on page 64 of the English and page 57 of the French edition; broadly speaking, at all events, the outline given by that note still holds good.

The outline in question shows at the same time the similarity and the difference between the work performed in this Office and that devolving on the Secretariat. In this respect it may be well to emphasize two points: first, that the diplomatic character of the work of the Secretariat of a Court before which States alone can appear as Parties must not be under-rated; secondly, that while resembling, as regards the number of officials, a large Section

in the Secretariat, the Registrar's Office, being self-contained, must be equipped so as to be able itself to deal with all aspects of the normal activities of an international administrative body.

The purely diplomatic work—i.e., personal contact and negotiations with the official representatives of governments (mostly agents before the Court and the Ministers of the various countries at The Hague)—is, as a rule, performed by the Registrar; the Deputy-Registrar (with the rank of Chief of Section) and the Registrar's Personal Assistant (with the rank of Counsellor) must however be able, if necessary, to take his place. On the other hand, the current 'diplomatic' correspondence of the Court, which rather closely resembles the correspondence of a Legation, is handled by the Editing Secretaries (with the rank of Members of Section). The considerations just set forth may account for the fact that the first two Deputy-Registrars were, upon leaving the Court, appointed to highly responsible diplomatic posts in the service of their own countries and, eventually, in both cases, to the position of head of the Political Section of their respective Ministries for Foreign Affairs [1].

Sir Malcolm Ramsay, in his report, pointed out—as did the Committee of Thirteen—that the staff of the Registrar's Office is recruited exclusively having regard to the exigencies of the work and not on any principle of distribution by nationality. This fact largely accounts for the smallness of the staff, which is, however, also due to the fundamental principle which was adopted for the organization of the Registrar's Office from the very outset—namely, that the permanent staff of the 'Registry' is to serve, during sessions, as a 'cadre' for 'auxiliary' staff called in at times of pressure. It would therefore be a mistake to look upon the work and responsibility devolving upon the Court's officials as being necessarily in proportion to the smallness of the staff. It is more than likely that if—the Court being a judicial organism—its secretariat had not escaped the influence of certain factors which necessarily obtain at Geneva, the number of 'Registry' officials would probably have been several times larger than at present.

This economical and wise principle of organization was, however, adopted on the assumption that there would be a possibility of expansion, enabling the development of the Office to keep pace with that of the Court's work. The Committee of Thirteen remarked in its report that 'The Court .... is still only in the first phase of its development.' The truth of this remark, which was made as recently as 1930, is already very evident. Nevertheless, it has not so far been possible to give full effect even to the modest scheme of development outlined in the statement referred to at the outset of this note. It is fully realized that this is not the time to envisage such a development, but it should be borne in mind that a staff calculated for a certain limited amount of work is now called

[1] It may also be noted in this connection that the Committee of Thirteen proposed, in 1930, that the post of Registrar should be assimilated to that of Under-Secretary-General (a suggestion which was subsequently abandoned in connection with the proposals of the "new" Committee of Thirteen concerning the posts of Under-Secretary-General).

upon to cope with the ever-growing burden which the normal but constant increase in the Court's activities throws upon its secretariat—i.e., upon the Registrar's Office.

The fact that the Registry of the Court must, notwithstanding the smallness of its staff, undertake practically all the administrative duties incumbent on large international bodies makes it necessary for many members of the staff to perform functions which widely differ both in character and importance; this characteristic the Registry shares with Legations where the staff is limited.

The only alternative would be an increase in the number of officials. This remark is important, because it tends to show that, even though comparatively highly paid officials sometimes perform relatively humble tasks, this does not mean over-grading. The fact that a perfectly qualified parliamentary stenographer—to choose an example from the middle category—during certain periods works as an ordinary shorthand-secretary or even copyist by no means signifies that she can be replaced by a person qualified only as shorthand-typist.

The smallness of the staff is also the reason why expatriation weighs more heavily on the staff at The Hague than at Geneva, where, independently of relations with the inhabitants of the city of their adoption, the large staffs of the two League organizations and their families afford ample opportunity for indispensable friendly and social intercourse; where, moreover, the frequent international conferences make for a relatively continuous contact with prominent persons from all circles in the official's own country; where, finally, the local language is one of the official languages of the League. It is likely that considerations of this kind explain the very real difficulties of recruitment which are experienced at The Hague.

No doubt also the fact that the smallness of the staff practically excludes promotion within the Office (apart, of course, from the rises in salary resulting from the 'annual increments' provided for in the Staff Regulations) is largely responsible for those difficulties. It is true that, as a result of the work of the Committee of Thirteen, a principle was adopted—and eventually introduced into the Staff Regulations of the various organizations—which was calculated to afford the officials of the Court certain facilities for promotion to posts in the Geneva organizations. For practical reasons, however, this possibility is bound to remain very largely a theoretical one. Such, at least, is the general impression among the staff.

Whether this impression be correct or not, it is certainly instrumental, together with the feeling of expatriation, in making the law of supply and demand play an exceptionally important part in the recruitment of the staff of the Registrar's Office, with the usual effect on salaries.

It is respectfully submitted that, in addition to economic and financial considerations, the 'special conditions' just referred to should be taken into account when the question arises of applying to The Hague any decisions which may be taken as regards the Geneva staff."

The discussions in the Assembly (13th Session) led to the adoption of the resolution which was embodied in the relevant passage of the Fourth Committee's report and which has been reproduced above, page 196.

Ad (3). As regards the control of expenditure and limitation of the Court's budget, the Commission had before it the Registrar's memorandum on these questions which is reproduced in the Eighth Annual Report, pages 331-336. No suggestion or recommendation affecting the Court in particular is contained in the Commission's report. The following passage, however, which defines the responsibilities devolving upon the Registrar of the Court, as "competent official" for financial questions under the Financial Regulations of the League of Nations, should be mentioned:

"In the League, where there is no higher permanent administrative authority than the heads of the three autonomous organizations, it is important to avoid any source of dispute, which might paralyze the machinery. Hence, in theory, the advice of the Treasurer can only be regarded as given purely for information, though it is necessary that such advice should be asked for, and the heads of the three organizations entirely agree on that point. The fact remains, however, that they must ultimately have sole power to take their own decisions, and consequently must assume complete responsibility for those decisions when the accounts are examined by the Assembly."

* * *

At its 50th session (Nov. 1932), the Supervisory Commission discussed the question of the rationalization of the services of the Secretariat and the International Labour Office and the technical concentration of the League's activities, a question which had been referred to it under the Assembly Resolution of October 17th, 1932. As stated above, this Resolution did not concern in any way the Court's activities or services. Nevertheless, in discussing the financial position at the time of the session, the Supervisory Commission decided to send letters—in identical terms—to the Director of the International Labour Office and to the Registrar of the Court, drawing their attention to the financial position of the League of Nations.

The letter, dated November 22nd, 1932, and addressed by the President of the Supervisory Commission to the Registrar of the Court, runs as follows:

"At its meeting on November 21st, and in the presence of the competent officials of the various organizations of the League or their representatives, the Supervisory Commission examined the financial situation of the League.

The particulars submitted to it show that, notwithstanding the unremitting efforts of the Secretary-General and other officials, the contributions collected up to November 21st amount to only 74.6 % of the total budget for the current year, whereas the corresponding figure was 81.17 % on November 21st, 1931, and 87.71 % on November 21st, 1930. There is therefore reason to fear that, for the League's organizations as a whole, the current year will close with a Treasury deficit appreciably higher than that for the year 1931.

Moreover, the Commission has no grounds for anticipating any marked improvement in the financial situation of States during the coming year; and, in addition, the remarkable efforts made by the Secretariat to effect considerable savings in 1932 by the adoption of very severe measures will no longer find so favourable a field of action in 1933, owing to the economies decided upon by the last Assembly.

In order to prevent the next budget from closing with a Treasury deficit of such a nature as seriously to affect the financial situation of the League, it is therefore necessary that, if States do not discharge their financial obligations more punctually, the expenditure of the various organizations of the League should be cut down still more drastically than during the present financial year, and in order to ensure the continuance of the essential activities of the League, the Supervisory Commission may be obliged at any moment to propose the reduction and even the suspension of certain work which has already been begun. It would therefore be advisable, in order to avoid any misunderstanding, for the various organizations to fix, without delay, with a view to meeting any contingency, the order of importance of the various undertakings for which credits were provided in the 1933 budget.

I should be glad if you would be good enough to transmit this communication to the Permanent Court of International Justice."

On December 16th, 1932, the Registrar, on the instructions of the Court, sent the following reply to the President of the Supervisory Commission:

"In your letter of November 22nd, 1932, you requested me, with reference to the present financial situation of the League of Nations, to transmit to the Court, *inter alia*, the following communication:

'In order to prevent the next budget from closing with a Treasury deficit of such a nature as seriously to affect the financial situation of the League, it is therefore necessary that, if States do not discharge their financial obligations more punctually, the expenditure of the various organizations of the League should be cut down still more drastically than during the present financial year, and in order to ensure the continuance of the essential activities of the League, the Supervisory Commission may be obliged at any moment to propose the reduction and even the suspension of certain work which has already been begun. It would therefore be advisable, in order to avoid any misunderstanding, for the various organizations to fix, without delay, with a view to meeting any contingency, the order of importance of the various undertakings for which credits were provided in the 1933 budget.'

In accordance with your wish, I have duly placed your communication before the Court, which has instructed me to reply as follows:

The work of the Court—an international judicial body—is a work *sui generis;* it has no precise counterpart in the activities of the other autonomous organizations established under the auspices of the League of Nations. In the note submitted by him in May 1932 to the Council of the League regarding the memorandum of H.B.M's Government in Great Britain and Northern Ireland concerning the League's financial position, the Registrar has already written as follows:

'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.'

To these considerations, the Court would wish to add that it has but one mission: to decide cases submitted to it for that purpose. The credits provided in the Court's budget for 1933 are destined to cover the various tasks in connection with the fulfilment of that sole mission. In the Court's case—it notes in this connection that a letter, *mutatis mutandis*, in terms identical with those of the letter which you have sent me, has been sent to the Director of the International Labour Office—it is therefore scarcely possible to classify the various tasks with which it may be confronted in 1933 in order of importance.

Accordingly, all that the Court could do with a view to following out the suggestions contained in your letter, would be so to arrange its work as to fulfil as economically as possible the mission which it cannot leave unperformed. To this extent, it will be glad to associate itself with the efforts to effect savings rendered necessary by the present anxious situation. It must however, in this connection, call attention to a consideration which is mentioned in the following terms in the above-mentioned note of the Registrar:

'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.'

I have, etc."

On December 16th, 1932, the Court decided in principle that, before it took administrative decisions in connection with the organization of its work—vacations, breaks in sessions, etc.—the Registrar should be instructed to report to it on the financial consequences involved by the decisions contemplated. This report would be one of the factors to be considered in taking its decision.

The Court also requested the Registrar to submit to it a memorandum on certain measures which might be adopted for the future with a view to effecting economies. This memorandum was discussed by the Court on March 29th, 1933, and led to the adoption of certain guiding principles for the future.

At its session of February 1933, the Supervisory Commission requested the Registrar to submit to it a note on savings effected by the Registry during the financial year 1932-1933. In this note, the Registrar described the efforts made to avoid expenditure which, though authorized, did not appear absolutely indispensable; these efforts had covered all aspects of the Court's activities: judges' allowances; engagement of auxiliary staff; translations; printing; postal arrangements; distribution of documents and stationery.

In its report to the 1933 Assembly, the Supervisory Commission notes with satisfaction the contents of the Registrar's note in which are set out in detail the measures taken by him to ensure strict economy in the use of the credits provided in the current budget, an economy which has been realized by following the lines indicated by the Supervisory Commission.

* * *

For the financial year 1933, two sets of budget estimates —one based on the Statute at present in force and the other on the revised Statute, but the total being the same in both cases—were prepared by the Registrar and submitted for approval to the Assembly. The Fourth Committee's report, which was adopted by the Assembly on October 17th, 1932, contains the following passage on the subject:

"The Registrar explained the reasons for which two alternative budgets were submitted to the Assembly this year: the organization of the Court was still based on the Statute as adopted in 1920, subject to the modification introduced as a result of the resolutions adopted by the Assembly in September 1930; on the other hand, it was not impossible that the amendments to the Statute adopted in 1929 would take effect in 1933. Having regard to this situation, the Registrar asked the Assembly to approve the budget drawn up on the basis of the present situation, but at the same time to authorize him, as an exceptional measure, to make transfers from one chapter to another in the budget thus adopted, provided the limits of the budget drawn up in the event of the coming into force of the revised Statute were not exceeded. The Registrar added that this procedure would be possible owing to the fact that the total amounts of the two budgets were the same.

The Fourth Committee, having regard also to the fact that the adoption of this procedure was recommended by the Supervisory Commission in its report on its forty-sixth session, was of opinion

that it should be adopted. If, therefore, the Assembly approves the present report, this will imply that the Registrar is authorized, should the occasion arise, exceptionally to make transfers from chapter to chapter of the budget as adopted, subject to the conditions set out above."

(2) BUDGET FOR 1934.

As in the case of the financial year 1933, and for the same reasons, two alternative sets of budget estimates have been prepared for the year 1934. It is proposed, with the approval of the Supervisory Commission, that the Assembly, in approving the Court's budget for 1934, should, if necessary[1], adopt the system inaugurated by it, as mentioned above, for the 1933 budget. (See Table of budget estimates, p. 208.)

*

When the Supervisory Commission examined the Court's budget estimates for 1934, the Registrar, in view of the financial situation of the League, suggested the possibility of making certain reductions in the estimates originally submitted to the Commission. These reductions, which were accepted, affected *inter alia* the credits for allowances and travelling expenses of assessors, experts and witnesses, and the items for unforeseen and extraordinary expenditure; they represent a total of 56,680 fls. (118,065 gold francs). In its report, the Commission observes that, under these conditions, it is certain that "the Court's budget is really calculated with the narrowest possible margin" and that "it contains no hidden reserve and has little or no elasticity".

In connection with the method of appropriation of possible contributions to the Court's expenses made by States not Members of the League, the Commission has confirmed in May 1933 the principle enunciated by it in its session of May 1930, by observing that it believes "that an arrangement will be made whereby such funds will be devoted exclusively to the expenses of the Court". The Commission has decided that the competent officials may, if need be, rely on this principle.

[1] Should the revised Statute come into force before the next session of the Assembly, it would of course only be necessary to approve the budget based on that Statute.

2.—ANNUAL ACCOUNTS [1].

1932.

1.—BUDGET ESTIMATES. (See E 8, p. 340.)

2.—ACCOUNTS.

	Credits.	Expenditure.
	Dutch florins.	
SECTION 1.—ORDINARY EXPENDITURE.		
Chapter I. Sessions of the Court .	335,500.—	303,782.08
Chapter II. General services of the Court	921,181.—	882,316.36
Chapter III. Cost of administration of the Court's Funds . . .	100.—	5,335.10
Chapter IV. Contribution towards the constitution of a fund to defray the expenses resulting from the "Regulations for the grant of pensions to the members and to the Registrar of the P. C. I. J."	10,000.—	10,000.—
SECTION 2.—CAPITAL ACCOUNT.		
Chapter V. Permanent installations, etc.	15,000.—	13,680.26
	1,281,781.—	1,215,113.80
Receipts to be deducted: Bank interest	3,000.—	259.48
	1,278,781.—	1,214,854.32
Gold francs	2,663,702.—	2,531,834.35

[1] For the details, see: (*a*) for the 1932 budget, *L. N., Official Journal*, XXIIth year, No. 10 (Oct. 1931), p. 1974; (*b*) for the 1932 accounts, *L. N. Document* A. 3. 1933. X., p. 60; (*c*) for the 1933 budget, *L. N., Official Journal*, XXIIIth year, No. 10 (Oct. 1932), p. 1667; (*d*) for the draft budget for 1934, *L. N. Document* A. 4 (*b*). 1933. X.

3.—SUMMARY OF ASSETS AND LIABILITIES ON DECEMBER 31st, 1932.

Liabilities.	Dutch florins.	Gold francs.
Depreciation Account	116,834.29½	242,531.76
Working Capital: Loan contracted in 1932 (of which fl. 98,471.61 = gold frs. 204,994.65 are covered by the bank and cash balance at the end of the financial year 1932)	224,314.89	468,657.78
Suspense Account (*per contra*): Fund to defray the expenses resulting from the application of the "Regulations regarding the granting of retiring pensions to the Members and to the Registrar of the P. C. I. J."	67,581.60	140,844.39
Surplus of assets over liabilities	791,787.45	1,643,760.73
	1,200,518.23½	2,495,794.66

Assets.			Dutch florins.	Gold francs.
Furniture, typewriters, etc.			102,502.20	212,696.33
Library			14,332.09½	29,835.43
Suspense Account (*per contra*): Fund to defray the expenses resulting from the application of the "Regulations regarding the granting of retiring pensions to the Members and to the Registrar of the P. C. I. J."			67,581.60	140,844.39
Contributions to be received in accordance with the details given below:				
"Consolidated arrears account"	Dutch florins.	Gold francs.		
5th period	344,068.55	709,223.81		
6th ,,	13,912.82	28,497.27		
7th ,,	15,173.63	31,790.62		
8th ,,	14,896.38	31,633.52		
9th ,,	11,872.80	27,892.67		
10th ,,	14,630.26	30,474.40		
11th ,,	5,205.92	10,844.19		
12th ,,	45,682.95	95,158.17		
13th ,,	54,318.86	113,146.75		
14th ,,	131,460.66	273,833.62		
	266,407.90	554,928.84		
			917,630.73	1,907,423.86
Cash in hand and at bank			98,471.61	204,994.65
			1,200,518.23½	2,495,794.66

1933.

I.—BUDGET ESTIMATES[1].

	A	B
SECTION I.—ORDINARY EXPENDITURE.	Dutch florins.	
Chapter I.		
Sessions of the Court	315,250.—	150,250.—
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 constitution of a fund to defray the expenses resulting from the "Regulations for the grant of pensions to the members and to the Registrar of the P. C. I. J."	24,852.50	24,852.50
SECTION 2.—CAPITAL ACCOUNT.		
Chapter V.		
Permanent installations, etc. . . .	12,000.—	12,000.—
	1,279,076.25	1,279,076.25
Receipts to be deducted :		
Interest at Bank	2,000.—	2,000.—
	1,277,076.25	1,277,076.25

[1] As regards the presentation of the budget estimates for 1933 to the Assembly, see p. 204.

1934.

I.—BUDGET ESTIMATES [1].

SECTION I.—ORDINARY EXPENDITURE.	A	B
	Dutch florins.	
Chapter I.		
Sessions of the Court	278,450.—	123,450.—
Chapter II.		
General services of the Court . . .	915,371.25	1,070,371.25
Chapter III.		
Cost of administration of the Court's Funds	100.—	100.—
Chapter IV.		
Contribution towards the constitution of a fund to defray the expenses resulting from the "Regulations for the grant of pensions to the members and to the Registrar of the P. C. I. J."	15,160.86	15,160.86
SECTION 2.—CAPITAL ACCOUNT.		
Chapter V.		
Permanent installations, etc. . . .	10,250.—	10,250.—
	1,219,332.11	1,219,332.11
Receipts to be deducted:		
Interest at Bank	500.—	500.—
	1,218,832.11	1,218,832.11

[1] As in the case of the budgetary estimates for 1933, it has been thought advisable to prepare for 1934 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 1933, approved both estimates subject to the same conditions as applied in the case of the 1933 budget estimates (see p. 205).

CHAPTER IX.

No. 9.

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, Seventh and Eighth Annual Reports (Series E., Nos. 2, 3, 4, 5, 6, 7 and 8, 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 eight 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 ,, ,, .
E 8: Eighth ,, ,, .

CONTENTS.

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BIBLIOGRAPHIES CONCERNING THE COURT.

(See E 5, pp. 308-310; E 6, pp. 358-359; E 7, p. 365; E 8, p. 347.)

4006. LANGER (WILLIAM L.) and HAMILTON FISH ARMSTRONG, *Foreign affairs bibliography. A selected and annotated list of books on international relations.* 1919-1932. (Publications of the Council on foreign relations.) New York—London, Harper's brothers, 1933. 8°, 551 pages. [P. C. I. J., see pp. 65-67.]

4007. [*United States*] *Library of Congress. Division of Bibliography. Permanent Court of International Justice. References supplementing previous lists. Compiled by* FLORENCE S. HELLMAN. April 26, 1933. In-4°, 19 pages. [Mimeographed.]

4008. *Liste bibliographique des publications officielles et non officielles relatives à la Cour permanente de Justice internationale. Supplément* 1932, *contenant les numéros* 3537-4005 *et deux index incorporés à ceux des listes précédentes. Dressée pour le Huitième Rapport annuel de la Cour par* J. DOUMA. Extrait du Huitième Rapport annuel de la Cour. La Haye, 1932. In-8°.

4009. *List (Bibliographical—) of official and unofficial publications concerning the Permanent Court of International Justice. Supplement* 1932, *containing numbers* 3537-4005, *with combined index to the preceding lists. Prepared for the Eighth Annual Report of the Court by* J. DOUMA. Reprinted from the Court's Eighth Annual Report. The Hague, 1932. In-8°.

A.—OFFICIAL AND PRIVATE DRAFT PLANS.

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(See E 2, pp. 213-216; also p. 213: footnote; E 4, p. 339; E 5, p. 310; E 7, p. 365; E 8, p. 348.)

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; E 8, p. 348.)

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(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; E 8, p. 349.)

I *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.)

4010. *Ratification du protocole concernant la revision du Statut de la Cour permanente de Justice internationale. Rapport du Secrétaire général.* Société des Nations. N° officiel: A. 27. 1932. V. Genève, le 13 sept. 1932. In-f°, 1 page.

4011. *Ratification of the protocol concerning the revision of the Statute of the Permanent Court of International Justice. Report by the Secretary-General.* League of Nations. Official No.: A. 27. 1932. V. Geneva, Sept. 13th, 1932. In-f°, 1 page.

4012. *Situation en ce qui concerne l'entrée en vigueur du Protocole du 14 septembre 1929 au sujet de la revision du Statut de la Cour permanente de Justice internationale. Rapport de la Première Commission.* Société des Nations. N° officiel: A. 45. 1932. V. Genève, le 4 oct. 1932. In-f°, 1 page.

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(See E 5, p. 313; E 6, pp. 361-362; E 7, pp. 367-368; E 8, p. 349.)

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[1] See also Nos. 4024, 4031-4032 of this list.

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A.—*Official Texts.*

(See E 2, p. 232 ; E 3, p. 260 ; E 4, p. 343 ; E 6, pp. 362-363 ; E 7, p. 368.)

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(See E 2, pp. 233-234 ; E 3, p. 261 ; E 4, p. 343 ; E 6, p. 363 ; E 8, p. 350.)

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(See E 2, pp. 261-262 ; E 3, p. 271.)

6. PREPARATION OF THE RULES OF COURT.—PROCEDURE.—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 ; E 8, p. 358.)

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A.—*Official Documents.*

(See E 2, p. 263 ; E 3, p. 272 ; E 4, p. 349 ; E 5, p. 318 ; E 6, p. 379 ; E 8, p. 359.)

B.—*Unofficial Publications.*

(See E 2, pp. 263-264 ; E 3, pp. 272-274 ; E 4, pp. 349-351 ; E 5, pp. 319-320 ; E 6, pp. 379-381 ; E 7, pp. 382-383 ; E 8, pp. 359-361.)

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9. ORGANIZATION OF THE REGISTRY OF THE COURT.

(See E 7, p. 384.)

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(See E 2, pp. 267-268 ; E 3, p. 275 ; E 4, p. 353 ; E 5, pp. 322-323 ; E 6, p. 383 ; E 7, p. 386 ; E 8, pp. 362-363.)

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4102. *Arrêts et avis consultatifs de la Cour permanente de Justice internationale. Avis consultatif du* 15 *novembre* 1932. *Interprétation de la Convention de* 1919 *concernant le travail de nuit des femmes. Affaires inscrites au rôle général de la Cour à la date du* 14 *octobre* 1932. (Bulletin de l'Institut intermédiaire international, t. XXVIII : 1, 1933, janv., pp. 94-96.)

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4104. *Arrêts et Avis consultatifs de la Cour permanente de Justice internationale. Ordonnance rendue à la date du 26 janvier* 1933. *Affaire relative à la délimitation des eaux territoriales entre l'île de Castellorizo et les côtes d'Anatolie. Ordonnance rendue à la date du 4 févr.* 1933. *Affaire relative à l'administration du prince von Pless. Arrêt rendu à la date du 5 avril* 1933. *Affaire relative au statut juridique de certaines parties du Groënland oriental.* (Bulletin de l'Institut intermédiaire international, t. XXVIII : 2, 1933, avril, pp. 368-370; voir aussi pp. 294-295.)

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 ; E 8, pp. 367-370.)

Advisory Opinion of December 8th, 1927. Jurisdiction of the European Commission of the Danube between Galatz and Braila.

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4106. *Council of the League of Nations. 58th Session. Geneva, January 13th-16th,* 1930. *7th meeting, January 16th,* 1930. 2589. *Organisation for Communications and Transit : Jurisdiction of the European Commission of the Danube. The* President *read the following report and draft resolution....* M. Antoniade.... *The draft resolution was adopted.* (Official Journal [of the] League of Nations, XIth year, No. 2, 1930, Feb., pp. 109-110.)

4107. *Conseil de la Société des Nations. 58me Session. Genève,* 13-16 *janvier* 1930. *Annexe* 1198. C. 590. 1929. *VIII : Juridiction de la Commission européenne du Danube. Lettre du Président de la Commission consultative et technique des Communications et du Transit au Secrétaire général de la Société des Nations, soumise au Conseil le* 16 *janvier* 1930. Appendice I : *Projet de convention relative à la compétence des diverses autorités chargées d'établir et de promulguer les règlements applicables sur le Danube maritime, ainsi que de rechercher, constater et réprimer les infractions à ces règlements.* Appendice II : *Projet de déclaration.* Annexe 1198 *a.* C. 79. 1930, VIII. *Mémorandum du Secrétaire général de la Société des Nations, soumis au Conseil le* 16 *janvier* 1930. (Journal officiel [de la] Société des Nations, XIme année, n° 2, févr., pp. 188-193.)

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Annex 1198 *a*. C. 79. 1930. VIII. *Memorandum by the Secretary-General of the League, submitted to the Council on January* 16th, 1930. (Official Journal [of the] League of Nations, XIth year, No. 2, Feb., pp. 188-193.)

4109. *Déclaration des Puissances parties à la Convention établissant le statut définitif du Danube. Genève, le* 5 *déc.* 1930. C. L. 32. 1931. *VIII. Lettre-circulaire du Secrétaire général à tous les États signataires de la déclaration.* Annexe 1 : *Déclaration. Projet de convention relative au Danube maritime.* Annexe 2 : *Procès-verbal dressé à l'occasion de la signature de la déclaration des Puissances parties à la convention....* (Journal officiel [de la] Société des Nations, XII^me^ année, n° 4, 1931, avril, pp. 735-745.)

4110. *Declaration by the Governments of the Powers which are Parties to the Convention instituting the Definitive Statute of the Danube. Geneva, Dec. 5th,* 1930. C. L. 32. 1931. *VIII. Circular letter from the Secretary-General to all States signatories to the Declaration.* Annex 1 : *Declaration. Draft convention relating to the Maritime Danube.* Annex 2 : *Procès-Verbal drawn up on the occasion of the signature of the Declaration of the Powers Parties to the Convention....* (Official Journal [of the] League of Nations, XIIth year, No. 4, 1931, April, pp. 735-745.)

4111. *Commission européenne du Danube. Résolutions adoptées dans la session de printemps* 1933. VIII. *Juridiction de la Commission.... Les délégués de France, de Grande-Bretagne, d'Italie* et *de Roumanie, réunis à Galatz en session plénière de la Commission européenne du Danube....* I. *Modus vivendi.* II. *Déclaration....* (Protocole 1219, § 2, séance du 17 mai 1933.)

ADVISORY OPINION OF DECEMBER 11th, 1931. ACCESS TO, AND ANCHORAGE IN, THE PORT OF DANZIG, OF POLISH WAR VESSELS.

4112. *Ville libre de Dantzig.* I: *Facilités de port pour les navires de guerre polonais dans le port de Dantzig.* II: ... *Protocoles signés le* 13 *août* 1932 *par les représentants de la Ville libre et la République de Pologne.* Annexe: *Exposé des règles internationales reconnues qui sont applicables à Dantzig en ce qui concerne l'accès des navires de guerre étrangers dans le port de Dantzig et dans les eaux dantzikoises (Danziger Hoheitsgewässer), ainsi que leur séjour dans ce port et dans ces eaux.* (Journal officiel [de la] Société des Nations, XIV^me^ année, n° 1, 1933, janv., pp. 142-146.)

4113. *Free City of Danzig.* I: *Harbour facilities for Polish Warships in the Port of Danzig.* II: .... *Protocols signed on August* 13*th,* 1932, *by the Representatives of the Free City of Danzig and of the Polish Republic.* Annex: *Statement of recognized rules applicable at Danzig in regard to the access of Foreign Warships to the Port of Danzig and Danzig waters ("Danziger Hoheitsgewässer") and their stay in that port and in those waters.* (Official Journal [of the] League of Nations, XIVth year, No. 1, 1933, Jan., pp. 142-146.)

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des navires de guerre étrangers dans le port de Dantzig et dans les eaux dantzikoises (Danziger Hoheitsgewässer), ainsi que leur séjour dans ce port et dans ces eaux. (Revue générale de Droit international public, 40me année, 3me série, t. VII, 1933, mai-juin, pp. 392-396.)

ADVISORY OPINION OF FEBRUARY 4th, 1932. TREATMENT OF POLISH NATIONALS AND OTHER PERSONS OF POLISH ORIGIN OR SPEECH IN THE DANZIG TERRITORY.

4115. *Ville libre de Dantzig. Arrangement dantziko-polonais du 26 novembre 1932.... Arrangement.* I : *Traitement des nationaux polonais et des autres personnes d'origine ou de langue polonaise dans le territoire de Dantzig.* II-IV.... Appendice : *Conclusion de l'Avis formulé par la Cour permanente de Justice internationale le 4 février* 1932. (Journal officiel [de la] Société des Nations, XIIIme année, n° 12 (2me partie), 1932, déc., pp. 2282-2283.)

4116. *Free City of Danzig. Danzig-Polish Agreement of November 26th, 1932.... Agreement.* I : *Treatment of Polish Nationals and other persons of Polish origin or speech in the Territory of Danzig.* II-IV.... Appendix : *Conclusion of the Opinion given by the Permanent Court of International Justice on February 4th,* 1932. (Official Journal [of the] League of Nations, XIIIth year, No. 12 (Part II), 1932, Dec., pp. 2282-2284.)

ADVISORY OPINION OF MARCH 8th, 1932. INTERPRETATION OF THE GRECO-BULGARIAN AGREEMENT OF DECEMBER 9th 1927. (CAPHANDARIS-MOLLOFF AGREEMENT.)

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ADVISORY OPINION OF NOVEMBER 15th, 1932. INTERPRETATION OF THE CONVENTION OF 1919 CONCERNING EMPLOYMENT OF WOMEN DURING THE NIGHT.

4119. *Conseil de la Société des Nations. 70me Session. Genève, 24 janvier — 3 février* 1933. *1ère séance, 24 janvier* 1933. 3200. *Interprétation de la Convention concernant le travail de nuit des femmes : Avis consultatif de la Cour permanente de Justice internationale.* LE PRÉSIDENT *soumet le rapport suivant :* .... *Les conclusions du rapport sont adoptées.* (Journal officiel [de la] Société des Nations, XIVme année, n° 2, 1933, févr., pp. 183-184.)

4120. *Council of the League of Nations. 70th Session. Geneva, January 24th—February 3rd,* 1933. 1st *Meeting, January 24th,* 1933. 3200. *Interpretation of the Convention concerning employment of women during the night: Advisory Opinion of the Permanent Court of International Justice. The President presented the following report: .... The conclusions of the report were adopted.* (Official Journal [of the] League of Nations, XIVth year, No. 2, 1933, Feb., pp. 183-184.)

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 ; E 8, pp. 370-379.)

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(See E 2, p. 347 ; E 3, p. 312 ; E 4, pp. 385-386 ; E 5, p. 356 ; E 6, pp. 419-421 ; E 7, p. 411 ; E 8, p. 403.)

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[P. C. I. J., *passim.* See Index, pp. 493-494.]

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(See E 2, pp. 347-348 ; E 3, pp. 312-313 ; E 4, p. 386 ; E 5, p. 357 ; E 6, p. 421 ; E 8, p. 403.)

4. The Hungarian-Roumanian Dispute.

(See E 4, pp. 387-389 ; E 5, p. 358.)

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(See E 2, pp. 348-349 ; E 3, p. 314 ; E 4, p. 390 ; E 5, p. 358 ; E 6, pp. 421-423 ; E 7, pp. 411-412 ; E 8, p. 404.)

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[See pp. 378-402.]

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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 275, is cumulative, i.e. it covers the Bibliographies of the Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Annual Reports (Series E., Nos. 2, 3, 4, 5, 6, 7 and 8) as well as that of this volume (pages 212-255).

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 ; **9** : Series E., No. 9, 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.

ALPHABETICAL INDEX OF SUBJECTS
OF THE BIBLIOGRAPHY OF THE COURT[1].

(The numbers refer to titles of publications and not to pages.)

ABBREVIATIONS :

Doc.	Documents.
I. L. O.	International Labour Organization.
Legisl.	Legislative.
L. N.	League of Nations.
Offic.	Official.
Parliam.	Parliamentary.
Publ.	Publications.

[1] The present Index, like the Alphabetical Index of Authors' Names and of Names cited, which is to be found on page 256, is cumulative, i.e. it covers the Bibliographies of the Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Annual Reports (Series E., Nos. 2, 3, 4, 5, 6, 7 and 8) as well as that of this volume (pages 212-255).

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; **9**: Series E., No. 9, 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.

CHAPTER X.

SECOND 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.

The first addendum to this edition, which was contained in the Eighth Annual Report (pp. 437-488), gives all information on the subject which had reached the Registry up to June 15th, 1932.

Below is given, in the form of Chapter X of the present Report, and under the heading "Second Addendum", additional information obtained between June 15th, 1932, and June 15th, 1933.

The present Chapter is therefore intended to bring up to date the fourth edition of the *Collection,* supplemented by the first addendum, i.e., Chapter X of the Eighth Annual Report. 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 either to the *Collection,* or to the first addendum. The second section contains new international instruments which have come to the knowledge of the Registry since the Eighth Annual Report 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

[1] Publications of the Court, Series D., No. 6.

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 *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].

As was done in the case of Chapter X of the Eighth Annual Report, 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. 67 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 AND IN THE FIRST ADDENDUM TO THIS EDITION [1].

3.—PROTOCOL OF SIGNATURE OF THE STATUTE FOR THE COURT.

Geneva, December 16th, 1920.

Ratif. [2] (cont.) :	Dominican Rep.	February 4th, 1933
	Paraguay	May 11th, 1933

6.—PROTOCOL RELATING TO THE REVISION OF THE STATUTE FOR THE COURT.

Geneva, September 14th, 1929.

Ratif. (cont.) :	Dominican Rep.	February 4th, 1933
	Lithuania	January 23rd, 1933
	Paraguay	May 11th, 1933

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.

Ratif. (cont.) :	Dominican Rep.	February 4th, 1933
	Lithuania	January 23rd, 1933
	Venezuela	September 14th, 1932

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[1] See E 8, pp. 439-459.
[2] *Ratif.* : *Ratifications.*

9.—OPTIONAL CLAUSE CONCERNING THE COURT'S COMPULSORY JURISDICTION.

Declarations of acceptance of the Optional Clause (*continued*).

Germany (renewal).

(*Deposit of the instrument of ratification: July 5th,* 1933.)

On behalf of the German Government, I recognize as compulsory *ipso facto* and without special agreement, in relation to any Member or State accepting the same obligation, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years, from March 1st, 1933. The present declaration applies to any disputes which might have arisen after February 29th, 1928, date of the ratification of the declaration made on this subject at Geneva on September 23rd, 1927, or to disputes arising in future with regard to situations or facts subsequent to the said ratification. Cases where the Parties have agreed or shall agree to have recourse to another method of pacific settlement are excepted. The present declaration shall enter into force on the date of its ratification.

Geneva, February 9th, 1933.

(*Signed*) VON KELLER.

Paraguay.

(*Declaration*[1] *made on May 11th,* 1933, *when depositing the instrument of ratification of the Protocol of Signature of the Statute.*)

"Paraguay recognizes, purely and simply, as obligatory, as of right and without a special convention, the jurisdiction of the Permanent Court of International Justice, as described in Article 36, paragraph 2, of the Statute."

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[1] Original text in Spanish; translation into English by the Secretariat of the League of Nations.

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.	4 II 33
Esthonia	2 V 23 [3]	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] 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.*)	*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. Except in cases where the Parties may have agreed or may agree to	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.*)		have recourse to another method of pacific settlement.	
	Renewed on 9 II 33	Ratification. Prolongation for 5 years as from March 11th, 1933.	5 VII 33
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 IX 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 21
	Renewed on 22 IX 26	Reciprocity. 10 years (from Oct. 3rd, 1926).	
Panama	25 X 21	Reciprocity.	14 VI 29
Paraguay	11 V 33 [1]	(Unconditionally.)	
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.	19 IX 32

[1] Declaration made when depositing the instrument of ratification of the Protocol of Signature of the Statute.

States.	Date of signature.	Conditions.	Date of deposit of ratification (*if any*).
Persia (*cont.*)		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.	
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.	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 respect of the governments recognized by Roumania and under reciprocity. 5 years. 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.	

[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*).
Spain (*cont.*)		Except in cases where the Parties may have agreed or may agree to have recourse to some other method of pacific settlement.	
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.

75. — TRAITÉ DE CONCILIATION ENTRE LA COLOMBIE ET LA SUÈDE.

Londres, 13 septembre 1927.

(*Ratifications échangées à Londres le* 5 *juillet* 1932.)

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77. — TRAITÉ DE CONCILIATION, D'ARBITRAGE ET DE RÈGLEMENT JUDICIAIRE ENTRE LA BELGIQUE ET LE LUXEMBOURG.

Bruxelles, 17 octobre 1927.

(*Ratifications échangées à Luxembourg le* 9 *octobre* 1931.)

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144. — TRAITÉ DE CONCILIATION ET D'ARBITRAGE ENTRE LA GRÈCE ET LA HONGRIE.

Athènes, 5 mai 1930.

(*Ratifications échangées à Budapest le* 31 *mars* 1931.)

145. — TRAITÉ D'AMITIÉ, DE CONCILIATION, D'ARBITRAGE ET DE RÈGLEMENT JUDICIAIRE ENTRE L'AUTRICHE ET LA GRÈCE.

Vienne, 26 juin 1930.

(*Ratifications échangées à Vienne le* 3 *janvier* 1931.)

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146. — CONVENTION ENTRE LE DANEMARK ET L'ISLANDE CONCERNANT LA PROCÉDURE POUR LE RÈGLEMENT DES DIFFÉRENDS.

Tingvellir, 27 juin 1930.

(*Le Protocole prévu à l'art.* 12 *a été établi le* 24 *mars* 1931.)

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147. — CONVENTION ENTRE LA FINLANDE ET L'ISLANDE CONCERNANT LE RÈGLEMENT PACIFIQUE DES DIFFÉRENDS.

Tingvellir, 27 juin 1930.

(*Entrée en vigueur :* 5 février 1932.)

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148. — CONVENTION ENTRE L'ISLANDE ET LA NORVÈGE CONCERNANT LE RÈGLEMENT PACIFIQUE DES DIFFÉRENDS.

Tingvellir, 27 juin 1930.

(*Ratifications échangées à Oslo le* 6 *février* 1932.)

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150. — TRAITÉ DE CONCILIATION DE RÈGLEMENT JUDICIAIRE ET D'ARBITRAGE ENTRE LA NORVÈGE ET LE PORTUGAL.

Lisbonne, 26 juillet 1930.

(*Ratifications échangées à Lisbonne le* 24 *novembre* 1932.)

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151. — TRAITÉ DE CONCILIATION ET D'ARBITRAGE ENTRE LA HONGRIE ET LA LETTONIE.

Riga, 13 août 1930.

(*Ratifications échangées à Budapest le* 28 *avril* 1931.)

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152. — CONVENTION DE CONCILIATION, D'ARBITRAGE ET DE RÈGLEMENT JUDICIAIRE ENTRE LA BELGIQUE ET LA LITHUANIE.

Genève, 24 septembre 1930.

(*Ratifications échangées à Bruxelles le* 24 *mai* 1932.)

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153. — CONVENTION DE CONCILIATION, D'ARBITRAGE ET DE RÈGLEMENT JUDICIAIRE ENTRE L'AUTRICHE ET LA NORVÈGE.

Oslo, 1er octobre 1930.

(*Ratifications échangées à Oslo le* 15 *juin* 1931.)

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154. — TRAITÉ D'AMITIÉ, DE NEUTRALITÉ, DE CONCILIATION ET D'ARBITRAGE ENTRE LA GRÈCE ET LA TURQUIE.

Ankara, 30 octobre 1930.

(*Ratifications échangées à Athènes le* 5 *octobre* 1931.)

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156. — TRAITÉ DE CONCILIATION ET D'ARBITRAGE ENTRE L'AUTRICHE ET LA HONGRIE.

Vienne, 26 janvier 1931.

(*Ratifications échangées à Budapest le* 12 *août* 1931.)

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158. — CONVENTION DE RÈGLEMENT JUDICIAIRE, D'ARBITRAGE ET DE CONCILIATION ENTRE LA TCHÉCOSLOVAQUIE ET LA TURQUIE.

Ankara, 17 mars 1931.

(*Entrée en vigueur :* 16 octobre 1932.)

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159. — TRAITÉ DE CONCILIATION, DE RÈGLEMENT JUDICIAIRE ET D'ARBITRAGE ENTRE L'ESPAGNE ET LES PAYS-BAS.

La Haye, 30 mars 1931.

(*Ratifications échangées à La Haye le* 27 *janvier* 1933.)

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161. — TRAITÉ DE CONCILIATION ET DE RÈGLEMENT JUDICIAIRE ENTRE L'ITALIE ET LA LETTONIE.

Riga, 28 avril 1931.

(*Ratifications échangées à Rome le* 2 *février* 1932.)

166.—CONVENTION LIMITING THE HOURS OF WORK IN INDUSTRIAL UNDERTAKINGS TO EIGHT IN THE DAY AND FORTY-EIGHT IN THE WEEK

adopted by the Labour Conference.

Washington, November 28th, 1919.

Ratif. (cont.) : Dominican Rep. February 4th, 1933

168.—CONVENTION CONCERNING NIGHT WORK OF WOMEN

adopted by the Labour Conference.

Washington, November 28th, 1919.

Ratif. (cont.) : Spain September 29th, 1932
Venezuela March 7th, 1933

169.—CONVENTION FIXING THE MINIMUM AGE FOR ADMISSION OF CHILDREN TO INDUSTRIAL EMPLOYMENT

adopted by the Labour Conference.

Washington, November 28th, 1919.

Ratif. (cont.) :	Dominican Rep.	February 4th, 1933
	Spain	September 29th, 1932

170.—CONVENTION CONCERNING THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY

adopted by the Labour Conference.

Washington, November 28th, 1919.

Ratif. (cont.) :	Spain	September 29th, 1932
	Venezuela	March 7th, 1933

172.—CONVENTION FIXING THE MINIMUM AGE FOR ADMISSION OF CHILDREN TO EMPLOYMENT AT SEA

adopted by the Labour Conference.

Genoa, July 9th, 1920.

Ratif. (cont.) :	Dominican Rep.	February 4th, 1933
	Italy	July 14th, 1932

179.—CONVENTION CONCERNING WORKMEN'S COMPENSATION IN AGRICULTURE

adopted by the Labour Conference.

Geneva, November 12th, 1921.

Ratif. (cont.) :	Belgium	October 26th, 1932

180.—CONVENTION CONCERNING THE RIGHTS OF ASSOCIATION AND COMBINATION OF AGRICULTURAL WORKERS

adopted by the Labour Conference.

Geneva, November 12th, 1921.

Ratif. (cont.) :	Spain	August 29th, 1932

181.—CONVENTION RELATING TO THE AGE AT WHICH CHILDREN ARE TO BE ADMITTED TO AGRICULTURAL WORK

adopted by the Labour Conference.

Geneva, November 16th, 1921.

Ratif. (cont.) :	Dominican Rep.	February 4th, 1933
	Spain	August 29th, 1932

183.—CONVENTION CONCERNING THE USE OF WHITE LEAD IN PAINTING

adopted by the Labour Conference.

Geneva, November 19th, 1921.

Ratif. (cont.) :	Venezuela	April 28th, 1933

185.—INTERNATIONAL CONVENTION FOR THE SIMPLIFICATION OF CUSTOMS FORMALITIES.

Geneva, November 3rd, 1923.

Acc. [1] (cont.) :	Syria and Lebanon	March 9th, 1933

187.—CONVENTION AND STATUTE ON THE INTERNATIONAL RÉGIME OF MARITIME PORTS.

Geneva, December 9th, 1923.

Acc. (cont.) :	France	August 2nd, 1932

189.—CONVENTION RELATING TO THE DEVELOPMENT OF HYDRAULIC POWER.

Geneva, December 9th, 1923.

Ratif. (cont.) :	Hungary	March 20th, 1933

190.—CONVENTION CONCERNING OPIUM.

Geneva, February 19th, 1925.

Ratif. and acc. (cont.) :	Brazil (acc.)	June 10th, 1932
	Chile	February 11th, 1933
	Turkey (acc.)	April 3rd, 1933

[1] *Acc.* : *Accessions.*

192.—CONVENTION RELATING TO NIGHT WORK IN BAKERIES

adopted by the Labour Conference.

Geneva, June 8th, 1925.

Ratif. (cont.) :	Spain	August 29th, 1932

194.—CONVENTION CONCERNING WORKMEN'S COMPENSATION FOR OCCUPATIONAL DISEASES

adopted by the Labour Conference.

Geneva, June 10th, 1925.

Ratif. (cont.) :	Czechoslovakia	September 19th, 1932
	Spain	September 29th, 1932

198.—CONVENTION CONCERNING SEAMEN'S ARTICLES OF AGREEMENT

adopted by the Labour Conference.

Geneva, June 24th, 1926.

Ratif. (cont.) :	India	October 31st, 1932

199.—CONVENTION REGARDING SLAVERY.

Geneva, September 25th, 1926.

Definitive acc. :	Hungary	February 17th, 1933

200.—CONVENTION CONCERNING SICKNESS INSURANCE FOR WORKERS IN INDUSTRY AND COMMERCE AND DOMESTIC SERVANTS

adopted by the Labour Conference.

Geneva, June 16th, 1927.

Ratif. (cont.) :	Spain	September 29th, 1932

201.—CONVENTION CONCERNING SICKNESS INSURANCE FOR AGRICULTURAL WORKERS

adopted by the Labour Conference.

Geneva, June 16th, 1927.

Ratif. (cont.) :	Spain	September 29th, 1932

202.—INTERNATIONAL CONVENTION ESTABLISHING AN INTERNATIONAL RELIEF UNION.

Geneva, July 12th, 1927.

(*Entry into force:* December 27th, 1932.)

Acc. (cont.):	Persia	September 28th, 1932

204.—CONVENTION CONCERNING THE CREATION OF MINIMUM WAGE-FIXING MACHINERY

adopted by the Labour Conference.

Geneva, June 16th, 1928.

Ratif. (cont.):	Hungary	July 30th, 1932
	Union of South Africa	December 28th, 1932

207.—INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF COUNTERFEITING CURRENCY.

Geneva, April 20th, 1929.

Ratif. (cont.):	Belgium	June 6th, 1932

208.—CONVENTION CONCERNING THE MARKING OF THE WEIGHT ON HEAVY PACKAGES TRANSPORTED BY VESSELS

adopted by the Labour Conference.

Geneva, June 21st, 1929.

Ratif. (cont.):	Denmark[1]	January 18th, 1933
	Finland	August 8th, 1932
	Netherlands	January 4th, 1933
	Norway	July 1st, 1932
	Poland	June 18th, 1932
	Roumania	December 7th, 1932
	Spain	August 29th, 1932
	Union of South Africa	February 21st, 1933
	Venezuela	December 17th, 1932
	Yugoslavia	April 22nd, 1933

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[1] Under conditions.

209.—CONVENTION CONCERNING THE PROTECTION AGAINST ACCIDENTS OF WORKERS EMPLOYED IN LOADING OR UNLOADING SHIPS
adopted by the Labour Conference.
Geneva, June 21st, 1929.

Ratif. (cont.) :	Spain	August 29th, 1932

211.—PROTOCOL RELATING TO MILITARY OBLIGATIONS IN CERTAIN CASES OF DOUBLE NATIONALITY.
The Hague, April 12th, 1930.

Ratif. (cont.) :	India	September 28th, 1932
	U.S. of America	August 3rd, 1932

212.—PROTOCOL RELATING TO A CERTAIN CASE OF STATELESSNESS.
The Hague, April 12th, 1930.

Ratif. (cont.) :	India	September 28th, 1932

213.—SPECIAL PROTOCOL CONCERNING STATELESSNESS.
The Hague, April 12th, 1930.

Ratif. (cont.) :	India	September 28th, 1932

214.—CONVENTION CONCERNING THE REGULATION OF HOURS OF WORK IN COMMERCE AND OFFICES
adopted by the Labour Conference.
Geneva, June 28th, 1930.

Ratif. :	Austria[1]	February 16th, 1933
	Bulgaria	June 22nd, 1932
	Spain	August 29th, 1932

215.—CONVENTION CONCERNING FORCED OR COMPULSORY LABOUR
adopted by the Labour Conference.
Geneva, June 28th, 1930.

Ratif. (cont.) :	Bulgaria	September 22nd, 1932
	Japan	November 21st, 1932
	Netherlands	March 31st, 1933
	Norway	July 1st, 1932
	South Rhodesia[2]	March 20th, 1933
	Spain	August 29th, 1932
	Yugoslavia	March 4th, 1933

[1] Under condition.
[2] The ratification of Great Britain applies to South Rhodesia as from March 20th, 1933.

218.—CONVENTION LIMITING THE HOURS OF WORK IN COAL MINES

adopted by the Labour Conference.

Geneva, June 18th, 1931.

Ratif. (cont.) : Spain August 29th, 1932

219.—CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS.

Geneva, July 13th, 1931.

(*Entry into force :* July 9th, 1933.)

Ratifications and Accessions (cont.) :

Belgium	April 10th, 1933	Irish Free State (acc.)	April 11th, 1933
Brazil	April 5th, 1933	Italy	March 21st, 1933
Bulgaria (acc.)	March 20th, 1933	Lithuania	April 10th, 1933
Canada	Oct. 17th, 1932	Mexico	March 13th, 1933
Chile	March 31st, 1933	Monaco	Feb. 16th, 1933
Costa Rica	April 5th, 1933	Netherlands	May 22nd, 1933
Cuba	April 4th, 1933	Persia	Sept. 28th, 1932
Czechoslovakia	April 12th, 1933	Poland	April 11th, 1933
Danzig	April 18th, 1933	Portugal	June 17th, 1932
Dominican Rep.	April 8th, 1933	Roumania	April 11th, 1933
Ecuador (acc.)	April 11th, 1933	Salvador (acc.)	April 7th, 1933
Egypt	April 10th, 1933	Spain	April 7th, 1933
France	April 10th, 1933	Sudan (acc.)	August 25th, 1932
Germany	April 10th, 1933	Sweden	August 12th, 1932
Great Britain	April 1st, 1933	Switzerland	April 10th, 1933
Guatemala	May 1st, 1933	Turkey (acc.)	April 3rd, 1933
Haiti (acc.)	May 4th, 1933	Uruguay	April 7th, 1933
Hungary (acc.)	April 10th, 1933		
India	Nov. 14th, 1932		

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330. — TRAITÉ DE COMMERCE ENTRE LA BOLIVIE ET LES PAYS-BAS.

La Paz, 30 mai 1929.

(*Ratifications échangées à La Haye le* 12 *juillet* 1932.)

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340. — CONVENTION DE COMMERCE ET DE NAVIGATION ENTRE LA GRÈCE ET LA POLOGNE.

Varsovie, 10 avril 1930.

(*Ratifications échangées à Athènes le* 18 *juin* 1931.)

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346. — CONVENTION DE COMMERCE ENTRE LA HONGRIE ET LA GRÈCE.

Athènes, 3 juin 1930.

(*Ratifications échangées à Budapest le* 15 *juillet* 1931.)

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348. — TRAITÉ DE COMMERCE ET DE NAVIGATION ENTRE LA ROUMANIE ET LA TCHÉCOSLOVAQUIE.

Strbské Pleso, 27 juin 1930.

(*Ratifications échangées le* 24 *juin* 1931.)

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351. — TRAITÉ D'AMITIÉ ET DE COMMERCE ENTRE LE SIAM ET LA SUISSE.

Tokio, 28 mai 1931.

(*Ratifications échangées à Berne le* 16 *décembre* 1931.)

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355. — CONVENTION RELATIVE A L'ÉTABLISSEMENT EN SUISSE DU FONDS SPÉCIAL ENTRE LA FRANCE, LA GRANDE-BRETAGNE, L'ITALIE, LA ROUMANIE, LA TCHÉCOSLOVAQUIE ET LA YOUGOSLAVIE, D'UNE PART, ET LA SUISSE D'AUTRE PART.

Berne, 21 août 1931.

(*Le dépôt de l'instrument de ratification par la Suisse a eu lieu à Paris le* 28 *décembre* 1931.)

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420. — CONVENTION DE COMMERCE ET DE NAVIGATION ENTRE L'ESTONIE ET LA FINLANDE.

Tallinn, 11 avril 1931.

(*Ratifications échangées à Helsinki le* 20 *septembre* 1931.)

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422. — TRAITÉ DE CONCILIATION, D'ARBITRAGE ET DE RÈGLEMENT JUDICIAIRE ENTRE LA BULGARIE ET LA NORVÈGE.

Sofia, 26 novembre 1931.

(*Ratifications échangées à Sofia le* 15 *octobre* 1932.)

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426. — CONVENTION DE COMMERCE ET DE NAVIGATION ENTRE LA GRÈCE ET LA ROUMANIE.

Bucarest, 11 août 1931.

(*Ratifications échangées à Bucarest le* 3 *juin* 1932.)

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427. — CONVENTION D'ÉTABLISSEMENT ENTRE LA GRÈCE ET LA ROUMANIE.

Bucarest, 11 août 1931.

(*Ratifications échangées à Bucarest le* 3 *juin* 1932.)

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428. — TRAITÉ D'AMITIÉ ENTRE L'ESTONIE ET LA PERSE.

Moscou, 3 octobre 1931.

(*Ratifications échangées à Moscou le* 21 *février* 1933.)

SECTION II.

INSTRUMENTS GOVERNING THE JURISDICTION OF THE COURT WHICH HAVE COME TO THE KNOWLEDGE OF THE REGISTRY SINCE JUNE 15th, 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.

429. — TRAITÉ DE CONCILIATION ET D'ARBITRAGE ENTRE LA FRANCE ET LE PORTUGAL

PARIS, 6 JUILLET 1928 [1].

(*Ratifications échangées à Paris le* 10 *décembre* 1931.)

Article premier. — Tous différends entre le Gouvernement de la République française et le Gouvernement de la République portugaise, de quelque nature qu'ils soient et qui n'auraient pu être résolus par les procédés diplomatiques ordinaires, seront, avant toute procédure devant la Cour permanente de Justice internationale ou avant tout recours à l'arbitrage, soumis à fin de conciliation à une commission internationale permanente, dite « commission permanente de conciliation », constituée conformément au présent traité.

Toutefois, les Hautes Parties contractantes auront toujours la liberté de convenir qu'un litige déterminé sera réglé directement par la Cour permanente de Justice internationale ou par voie d'arbitrage, sans recours au préliminaire de conciliation ci-dessus prévu.

Article 2. — S'il s'agit d'un différend qui, d'après la législation intérieure de l'une des Parties, relève de la compétence des tribunaux nationaux de celle-ci, y compris les tribunaux administratifs, le différend ne sera soumis à la procédure prévue par le présent traité qu'après jugement passé en force de chose jugée rendu dans des délais raisonnables par l'autorité judiciaire nationale compétente.

Article 3. — La commission permanente de conciliation prévue à l'article premier 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 trois commissaires devront être de nationalités différentes et, parmi eux, les Gouvernements français et portugais désigneront le président de la commission.

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.

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 4. — La commission permanente de conciliation sera constituée dans les six mois qui suivront l'entrée en vigueur du présent traité.

[1] *Société des Nations, Recueil des Traités*, vol. CXXVI (1931-1932), p. 27.

Si la nomination des commissaires à désigner en commun n'intervenait pas dans ledit 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 5. — 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 6. — Dans un délai de quinze jours à partir de la date où le Gouvernement français ou le Gouvernement portugais 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 7. — La commission permanente de conciliation aura pour tâche d'élucider les questions en litige, de recueillir à cette fin toutes informations utiles par voie d'enquête ou autrement et de s'efforcer de concilier les Parties. Elle pourra, après examen de l'affaire, proposer 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 les 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 8. — 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 9. — La commission permanente de conciliation se réunira, sauf accord contraire entre les Parties, au lieu désigné par son président.

Article 10. — 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 11. — Les Parties seront représentées auprès de la commission permanente de conciliation par dès 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 que toutes personnes dont le témoignage leur paraîtrait utile soient entendues par la commission.

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 12. — Sauf disposition contraire du présent traité, les décisions de la commission permanente de conciliation seront prises à la majorité des voix.

La commission ne pourra prendre des décisions portant sur le fond du différend que si tous les membres ont été dûment convoqués et si le président et deux membres au moins sont présents. Dans le cas où trois membres seulement et le président seraient présents, la voix du président comptera pour deux.

Article 13. — 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 les 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 14. — 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 Gouvernements français et portugais, qui en supporteront chacun une part égale.

Chaque Gouvernement supportera ses propres frais et une part égale des frais communs de la commission.

Article 15. — A défaut de conciliation devant la commission permanente de conciliation, les litiges ayant pour objet un droit allégué par une des Parties et contesté par l'autre, notamment les litiges mentionnés dans l'article 13 du Pacte de la Société des Nations, seront soumis 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 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 16. — Les différends autres que les litiges visés à l'alinéa premier de l'article 15 seront, à défaut de conciliation, soumis à un tribunal arbitral, ayant le pouvoir de statuer *ex æquo et bono*.

Ce tribunal sera, s'il n'en est convenu autrement, composé de cinq membres désignés suivant la méthode prévue aux articles 3 et 4 pour la composition de la commission de conciliation.

Faute par les Parties de s'entendre sur les termes du compromis soumettant le différend au tribunal, l'une ou l'autre des Parties aura la faculté, après un préavis d'un mois, de saisir directement le tribunal de la contestation.

Article 17. — Les Gouvernements français et portugais s'engagent respectivement à s'abstenir, durant le cours d'une procédure ouverte en vertu des dispositions du présent traité, de toute mesure susceptible d'avoir une répercussion préjudiciable, soit à l'exécution de la décision à rendre par la Cour permanente de Justice internationale ou par le tribunal arbitral, soit aux arrangements proposés par la commission permanente 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.

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, la Cour permanente de Justice internationale statuant conformément à l'article 41 de son Statut, ou le tribunal arbitral, indiqueront dans le plus bref délai possible quelles mesures provisoires doivent être prises. Les Hautes Parties contractantes s'engagent respectivement à se conformer auxdites mesures.

Article 18. — Si quelque contestation venait à surgir entre les Hautes Parties contractantes relativement à l'application du présent traité, cette contestation serait directement portée devant la Cour permanente de Justice internationale dans les conditions prévues à l'article 40 du Statut de ladite Cour.

Article 19. — Le présent traité ne s'appliquera qu'aux litiges qui viendraient à s'élever après l'échange des ratifications, au sujet de situations ou de faits postérieurs à cette date.

Les litiges pour la solution desquels une procédure spéciale est prévue par d'autres accords en vigueur entre les Parties contractantes seront réglés conformément aux stipulations de ces accords.

Article 20. — Le présent traité sera ratifié et les ratifications en seront échangées à Paris aussitôt que faire se pourra.

Article 21. — Le présent traité entrera en vigueur dès l'échange des ratifications et aura une durée de cinq ans à partir 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.

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 la Cour permanente de Justice internationale ou devant un tribunal d'arbitrage, cette procédure serait poursuivie jusqu'à son achèvement.

430. — TRAITÉ DE RÈGLEMENT JUDICIAIRE, D'ARBITRAGE ET DE CONCILIATION ENTRE LA BELGIQUE ET LA ROUMANIE

BUCAREST, 8 JUILLET 1930 [1].

(*Ratifications échangées à Bruxelles le 4 avril* 1932.)

Article premier. — Les Hautes Parties contractantes s'engagent réciproquement à ne rechercher dans aucun cas autrement que par voie pacifique le règlement des litiges ou conflits qui viendraient à s'élever entre la Belgique et la Roumanie, et qui n'auraient pu être résolus dans un délai raisonnable par les procédés diplomatiques ordinaires.

Article 2. — Tous différends au sujet desquels les Parties se contesteraient réciproquement un droit et qui n'auraient pu être réglés à l'amiable par les procédés diplomatiques ordinaires seront soumis pour jugement soit à la Cour permanente de Justice internationale, soit à un tribunal arbitral, ainsi qu'il est prévu ci-après. 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.

La disposition du paragraphe précédent ne s'applique pas aux différends nés de faits qui sont antérieurs à la présente convention et qui appartiennent au passé, non plus qu'aux différends portant sur des questions que le droit international laisse à la compétence exclusive des États.

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. Toutefois, si une solution du différend n'intervenait pas par application de cette procédure, les dispositions du présent traité recevraient application.

Article 3. — Avant toute procédure devant la Cour permanente de Justice internationale et avant toute procédure arbitrale, le litige pourra être, d'un commun accord entre les Parties, soumis à fin de conciliation à une commission internationale permanente dite commission permanente de conciliation, constituée conformément au présent traité.

Article 4. — Si, dans le cas d'un des litiges juridiques visés à l'article 2, les deux Parties n'ont pas eu recours à la commission permanente de conciliation ou si celle-ci n'a pas réussi à concilier les Parties, le litige sera soumis d'un commun accord, par voie de compromis, soit à la Cour permanente de Justice internationale qui statuera dans les conditions et suivant la procédure prévues par

[1] *Société des Nations, Recueil des Traités*, vol. CXXVIII (1932), p. 403.

son Statut, soit à un tribunal arbitral qui statuera 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 choix de la juridiction, sur les termes du compromis ou, en cas de procédure arbitrale, sur la désignation des arbitres, l'une ou l'autre d'entre elles, après un préavis d'un mois, aura la faculté de porter directement, par voie de requête, le litige devant la Cour permanente de Justice internationale.

Article 5. — Toutes questions sur lesquelles les Hautes Parties contractantes seraient divisées sans pouvoir les résoudre à l'amiable par les procédés diplomatiques ordinaires, questions dont la solution ne pourrait être recherchée par un jugement ainsi qu'il est prévu par l'article 2 du présent traité et pour lesquelles une procédure de règlement ne serait pas déjà prévue par un traité ou une convention 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 leur présenter un rapport.

A défaut d'accord entre les Parties sur la requête à présenter à la commission, l'une ou l'autre d'entre elles aura la faculté de soumettre directement, après un préavis d'un mois, la question à ladite commission.

Dans tous les cas, s'il y a contestation entre les Parties sur la question de savoir si le différend a ou non la nature d'un litige juridique visé dans l'article 2 et susceptible de ce chef d'être résolu par un jugement, cette contestation sera, préalablement à toute procédure devant la commission permanente de conciliation, soumise à la décision de la Cour permanente de Justice internationale, d'accord entre les Hautes Parties contractantes ou à défaut d'accord à la requête de l'une d'entre elles.

Article 6. — La commission permanente de conciliation prévue par le présent traité 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 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 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.

Il sera pourvu aussi rapidement que possible, et dans un délai qui ne devra pas excéder trois mois, aux vacances qui viendraient à se produire par suite de décès, de démission ou de quelque empêchement permanent ou temporaire, en suivant le mode fixé pour les nominations.

Article 7. — La commission permanente de conciliation sera constituée dans les six mois qui suivront l'échange des ratifications du présent traité.

Si la nomination des membres à désigner en commun n'intervenait pas dans ledit délai ou, en cas de remplacement, dans les trois mois à compter de la vacance du siège, le président de la Confédération suisse serait, à défaut d'autre entente, prié de procéder aux désignations nécessaires.

Article 8. — La commission permanente de conciliation sera saisie par voie de requête adressée au président dans les conditions prévues, selon le cas, par les articles 3 et 5.

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 9. — Dans un délai de quinze jours à compter 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 ferait 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 10. — La commission permanente de conciliation aura pour tâche d'élucider les questions en litige, de recueillir à cet effet 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, s'il y a lieu, leur impartir un délai pour se prononcer.

A la fin de ses travaux, la commission dressera un rapport qui en constatera le résultat et dont un exemplaire sera remis à chacune des Parties.

Les Parties ne seront jamais liées par les considérations de fait, de droit ou autres auxquelles la commission sera arrêtée.

Sous réserve de la disposition de l'article 5, alinéa 3, les travaux de la commission devront, à moins que les Parties en conviennent différemment, être terminés dans un délai de six mois à compter du jour où la commission aura été saisie du litige.

Articles 11 *et* 12. [*Voir art.* 8 *et* 9 *du Traité entre la France et le Portugal,* 6 *juillet* 1928, *p.* 315.]

Article 13. — 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.

Les Hautes Parties contractantes s'engagent à ne pas publier le résultat des travaux de la commission sans s'être préalablement consultées.

Article 14. — 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 paraîtrait 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 15. — Sauf dispositions contraires du présent traité, les décisions de la commission permanente de conciliation seront prises à la majorité des voix.

La commission ne pourra prendre de décision portant sur le fond du différend que si tous les membres ont été dûment convoqués et si au moins tous les membres choisis en commun sont présents.

Article 16. — Les Hautes Parties contractantes s'engagent à faciliter les travaux de la commission permanente de conciliation et en particulier à assurer à celle-ci l'assistance de leurs autorités compétentes, à lui fournir dans la plus large mesure possible tous documents et informations utiles et à prendre les mesures nécessaires pour permettre à la commission de procéder sur leur territoire à la citation et à l'audition de témoins ou d'experts et à des transports sur les lieux.

Article 17. — 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 généraux occasionnés par le fonctionnement de la commission seront répartis de la même façon.

Article 18. — 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 Cour permanente de Justice internationale statuant conformément à l'article 41 de son Statut ou, selon le cas, le tribunal arbitral, indiqueront dans le plus bref délai possible quelles mesures provisoires doivent être prises ; la commission permanente de conciliation pourra, s'il y a lieu, agir de même après entente entre les Parties.

Chacune des Hautes Parties contractantes s'engage à s'abstenir de toute mesure susceptible d'avoir une répercussion préjudiciable à l'exécution de la décision ou aux arrangements qui seraient proposés par la commission permanente 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 19. — 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 20. — Le présent traité reste applicable entre les Hautes Parties contractantes encore que d'autres Puissances aient également un intérêt dans le differend.

Article 21. — Si quelque contestation venait à surgir entre les Hautes Parties contractantes relativement à l'interprétation du présent traité, cette contestation serait portée devant la Cour permanente de Justice internationale suivant la procédure prévue dans l'article 4, alinéa 2.

Article 22. — Le présent traité sera ratifié. Les ratifications en seront échangées à Bruxelles aussitôt que faire se pourra.

Article 23. — Le présent traité entrera en vigueur dès l'échange des ratifications et 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 cette période, il sera considéré comme renouvelé tacitement pour une nouvelle période de cinq ans et ainsi de suite.

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 la Cour permanente de Justice internationale ou devant le tribunal d'arbitrage, cette procédure serait poursuivie jusqu'à son achèvement.

Le présent traité abroge le Traité d'arbitrage obligatoire du 27 mai 1905.

431. — TRAITÉ D'AMITIÉ, DE CONCILIATION ET D'ARBITRAGE ENTRE LA GRÈCE ET LA POLOGNE

VARSOVIE, 4 JANVIER 1932 [1].

(*Ratifications échangées à Athènes le 2 juillet* 1932.)

CHAPITRE PREMIER.

Article premier. — Les Hautes Parties contractantes déclarent solennellement, au nom de leurs peuples respectifs, qu'elles condamnent le recours à la guerre pour le règlement des différends internationaux et y renoncent en tant qu'instrument de politique nationale dans leurs relations mutuelles.

Article 2. — Les Hautes Parties contractantes reconnaissent que le règlement ou la solution de tous les différends ou conflits, de quelque nature ou de quelque origine qu'ils puissent être, qui pourront surgir entre elles, ne devra jamais être recherché que par des moyens pacifiques.

[1] *Société des Nations, Recueil des Traités*, vol. CXXXI (1932-1933), p. 229.

Article 3. — L'amitié sincère et la constante bonne intelligence qui existent heureusement entre la République de Pologne et la République hellénique, sont solennellement confirmées.

CHAPITRE II. — DU RÈGLEMENT PACIFIQUE EN GÉNÉRAL.

Article 4. — 1. 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 ordinaire dans un délai raisonnable seront transmis, dans les conditions fixées par le présent traité, à un règlement arbitral ou judiciaire, précédé, selon les cas, obligatoirement ou facultativement, d'un recours à la procédure de conciliation.

2. Cet engagement ne s'applique qu'aux contestations qui s'élèveraient après la ratification du présent traité au sujet de situations ou de faits postérieurs à cette ratification.

3. Les différends pour la solution desquels une procédure spéciale est ou sera prévue par d'autres conventions en vigueur entre les Parties, seront réglés conformément aux dispositions de ces conventions.

Article 5. — 1. S'il s'agit d'un différend dont l'objet, d'après la législation intérieure de l'une des Parties, 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 les 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 III. — DU RÈGLEMENT JUDICIAIRE.

Article 6. — 1. Tous les litiges ayant pour objet un droit allégué par une des Hautes Parties contractantes et contesté par l'autre, seront soumis pour jugement à la Cour permanente de Justice internationale, ou, si l'une des deux Parties le demande, à un tribunal arbitral, ainsi qu'il est prévu ci-après.

2. 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 7. — Si le différend est porté devant un tribunal arbitral conformément aux dispositions de l'article 6, alinéa 1, les Parties rédigeront un compromis dans lequel elles fixeront l'objet du litige, le choix des arbitres et la procédure à suivre. A défaut d'indication 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.

Article 8. — 1. Pour les différends prévus à l'article 6, 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 7 avant l'expiration d'un mois à compter de la clôture des travaux de la commission de conciliation.

CHAPITRE IV. — DE LA CONCILIATION.

Article 9. — Tous différends entre les Parties, autres que ceux prévus à l'article 6, et sous réserve des dispositions de l'article 4, seront soumis obligatoirement à une procédure de conciliation avant de pouvoir faire l'objet d'un règlement arbitral.

Article 10. — Les différends visés à l'article précédent seront portés devant une commission permanente de conciliation, constituée par les Parties dans les six mois après l'entrée en vigueur du présent traité.

Article 11. — 1. La commission permanente de conciliation sera composée de cinq membres. Les Parties en nommeront chacune un qui pourra être choisi parmi leurs nationaux respectifs. Les trois autres commissaires seront choisis d'un commun accord parmi les ressortissants de tierces Puissances ; ils devront être de nationalités différentes, ne pas avoir leur résidence habituelle sur le territoire des Parties, ni se trouver à leur service. Parmi eux les Parties désigneront le président de la commission.

2. Les commissaires seront nommés pour trois ans. Ils seront rééligibles. Tant que la procédure n'est pas ouverte, chaque Partie pourra toujours procéder au remplacement du commissaire nommé par elle. Elle aura aussi le droit de retirer son consentement à la nomination du président.

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 la nomination des commissaires à désigner en commun n'intervient pas dans le délai prévu à l'article 10, le soin de procéder aux nominations nécessaires sera confié à une tierce Puissance choisie d'un commun accord par les Parties, ou, en cas de désaccord, le président de la Confédération suisse sera prié de procéder à ces nominations.

Article 13. — 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 l'autre Partie.

Article 14. — 1. Dans un délai de quinze jours à partir de la date où l'une des Parties aura porté un différend devant la 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 15. — La commission permanente de conciliation se réunira, sauf accord contraire des Parties, au lieu désigné par son président ; ce lieu ne pourra toutefois se trouver sur le territoire d'aucune des Parties.

Article 16. — 1. La commission permanente de conciliation aura pour tâche d'élucider les questions en litige, de recueillir à cette fin toutes les informations utiles et de s'efforcer de concilier les Parties.

2. Après examen de l'affaire elle formulera, dans un rapport, des propositions en vue du règlement du différend.

Article 17. — 1. La procédure devant la commission permanente de conciliation sera contradictoire.

2. La commission réglera d'elle-même la procédure, en tenant compte, sauf décisions contraires prises à l'unanimité, des dispositions contenues au titre III de la Convention de La Haye du 18 octobre 1907 pour le règlement pacifique des conflits internationaux.

3. Les délibérations de la commission de conciliation auront lieu à huis clos, à moins que la commission, d'accord avec les Parties, n'en décide autrement.

4. Les Parties auront le droit de nommer auprès de la commission des agents, conseils et experts, qui serviront en même temps d'intermédiaire entre elles et la commission, ainsi que de demander l'audition de toute personne dont le témoignage leur paraîtrait utile.

5. La commission aura, de son côté, la faculté de demander des explications orales aux agents, conseils ou experts des deux Parties, ainsi qu'à toute personne qu'elle jugerait utile de faire comparaître, avec l'assentiment de leurs gouvernements.

6. 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 de tous les moyens dont elles disposent d'après leur législation pour lui permettre de procéder à la citation et à l'audition de témoins ou d'experts et à des transports sur les lieux.

7. 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 18. — 1. La commission de conciliation présentera son rapport dans les quatre mois à compter du jour de sa première

séance, à moins que les Parties ne conviennent d'abréger ou de prolonger ce délai.

2. Un exemplaire du rapport sera remis à chacune des Parties. Le rapport n'aura, ni quant à l'exposé des faits, ni quant aux considérations juridiques, le caractère d'une sentence arbitrale.

3. La commission de conciliation fixera le délai dans lequel les Parties auront à se prononcer au sujet des propositions contenues dans son rapport. Ce délai ne dépassera pas deux mois.

Article 19. — 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 de conciliation seront répartis de la même façon.

CHAPITRE V. — DU RÈGLEMENT ARBITRAL.

Article 20. — Si, dans le mois qui suivra la clôture des travaux de la commission permanente de conciliation, les Parties ne se sont pas entendues, ou dans le cas prévu à l'article 6, alinéa 1, la question sera portée devant un tribunal arbitral constitué, sauf accord des Parties, de la manière indiquée ci-après.

Article 21. — Le tribunal arbitral comprendra cinq membres. Chaque Partie en nommera un qui pourra être choisi parmi leurs nationaux respectifs. Les deux autres arbitres et le surarbitre seront choisis d'un commun accord parmi les ressortissants de tierces Puissances : ils devront être de nationalité différente, ne peuvent avoir leur résidence habituelle sur le territoire des Parties, ni se trouver à leur service.

Article 22. — 1. Si la nomination des membres du tribunal arbitral n'intervient pas dans un délai de trois mois à compter de la demande adressée par l'une des Parties à l'autre de constituer un tribunal arbitral, le soin de procéder aux nominations nécessaires sera confié à une tierce Puissance choisie d'un commun accord par les Parties.

2. Si l'accord ne s'établit pas à ce sujet, chaque Partie désignera une Puissance différente et les nominations seront faites de concert par les Puissances ainsi choisies.

3. Si dans un délai de trois mois la désignation de ces deux Puissances n'intervenait pas ou si les Puissances désignées n'ont pu tomber d'accord, le président de la Confédération suisse sera prié à la requête de l'une des Parties de procéder à des nominations nécessaires.

Article 23. — 1. Les Parties rédigeront un compromis déterminant l'objet du litige et la procédure à suivre.

2. A défaut d'indications ou de précisions suffisantes dans le compromis, relativement aux points indiqués dans l'alinéa 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.

CHAPITRE VI. — DISPOSITIONS GÉNÉRALES.

Article 24. — 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. 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 25. — Si la sentence judiciaire ou arbitrale déclarait qu'une décision prise ou une mesure ordonnée par une autorité quelconque de l'une des Parties en litige se trouve entièrement ou partiellement en opposition avec le droit international, et si le droit interne de ladite Partie ne permettait pas ou ne permettait qu'imparfaitement d'effacer les conséquences de cette décision ou de cette mesure, il sera accordé à la Partie lésée une satisfaction équitable d'un autre ordre.

Article 26. — Les différends relatifs à l'interprétation du présent traité seront soumis à la Cour permanente de Justice internationale.

Article 27. — 1. Le présent traité sera ratifié et les instruments de ratification en seront échangés à Athènes dans le plus bref délai. Il entrera en vigueur le trentième jour après cet échange.

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 terme, il demeurera en vigueur pendant une nouvelle période de cinq ans et ainsi de suite.

4. Nonobstant la dénonciation par l'une des Hautes Parties contractantes, les procédures engagées au moment de l'expiration du terme du traité continueront jusqu'à leur achèvement.

PROTOCOLE ADDITIONNEL.

Au cas où la Pologne ratifierait plus tard la clause facultative de l'article 36 du Statut de la Cour permanente de Justice internationale, le recours à un tribunal arbitral, prévu à l'article 6, ne pourra avoir lieu que d'un commun accord des Parties.

Faute de pareil accord, la Cour permanente de Justice internationale demeure compétente pour tous les litiges auxquels se rapporte la clause en question. Il est bien entendu que cette obligation, sauf un accord contraire spécial entre les deux Parties, sera sujette aux mêmes réserves et aura la même durée que l'adhésion de la Grèce et de la Pologne à la clause facultative à l'article 36 du Statut de la Cour permanente de Justice internationale.

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432. — TRAITÉ DE CONCILIATION, DE RÈGLEMENT JUDICIAIRE ET D'ARBITRAGE ENTRE LA NORVÈGE ET LA TURQUIE

ANKARA, 16 JANVIER 1933 [1].

Article premier. — Les Hautes Parties contractantes s'engagent réciproquement à régler par voie pacifique et d'après les méthodes prévues par le présent traité, tous les litiges ou conflits de quelque nature qu'ils soient qui viendraient à s'élever entre la Norvège et la Turquie et qui n'auraient pu être résolus par les procédés diplomatiques ordinaires.

Article 2. — Tous les litiges entre les Hautes Parties contractantes, de quelque nature qu'ils soient, au sujet desquels les Parties se contesteraient réciproquement un droit et qui n'auraient pu être réglés à l'amiable par les procédés diplomatiques ordinaires, seront pour jugement soumis soit à la Cour permanente de Justice internationale, soit à un tribunal arbitral.

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 la procédure devant la Cour permanente de Justice internationale ou devant le tribunal arbitral, le différend pourra être, d'un commun accord entre les Parties, soumis 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, cette Partie pourra s'opposer à ce qu'elle soit soumise à la procédure prévue par le présent traité avant qu'un jugement définitif ait été rendu, dans un délai raisonnable, par l'autorité judiciaire compétente.

Article 5. — La commission permanente de conciliation sera composée de cinq membres. Les Parties contractantes nommeront, chacune, un commissaire à leur gré et désigneront, d'un commun accord, les trois autres et, parmi ces derniers, le président de la commission. Ces trois commissaires ne devront ni être ressortissants des Parties contractantes, ni avoir leur domicile sur leur territoire ou se trouver à leur service. Ils devront être tous les trois de nationalité différente.

Les commissaires seront nommés pour trois ans. Si, à l'expiration du mandat d'un membre de la commission, il n'est pas pourvu à son remplacement, son mandat est censé renouvelé pour une période de trois ans ; les Parties contractantes se réservent toute-

[1] Communication du Gouvernement norvégien.

fois de transférer, à l'expiration du terme de trois ans, les fonctions du président à un autre des membres de la commission désigné en commun.

Un membre dont le mandat expire pendant la durée d'une procédure en cours continue à prendre part à l'examen du différend jusqu'à ce que la procédure soit terminée, nonobstant le fait que son remplaçant aurait été désigné.

En cas de décès ou de retraite de l'un des membres de la commission de conciliation, il devra être pourvu à son remplacement pour le reste de la durée de son mandat, si possible dans les trois mois qui suivront et, en tout cas, aussitôt qu'un différend aura été soumis à la commission.

Article 6. — La commission permanente sera constituée dans les six mois qui suivront l'échange des ratifications du présent traité.

Si la nomination des membres à désigner en commun n'intervenait pas dans ledit délai, ou, en cas de remplacement, dans les trois mois à compter de la vacance d'un siège, le président de la Confédération suisse ou Sa Majesté la reine des Pays-Bas sera, à défaut d'autre entente, prié de procéder aux désignations nécessaires.

Article 7. — La commission permanente de conciliation sera saisie par voie de requête adressée au président par les deux Parties agissant d'un commun accord.

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.

Article 8. — Dans le délai de quinze jours à partir de la date où la commission aura été saisie du différend, chacune des Parties pourra, pour l'examen de ce différend, remplacer le membre permanent désigné par elle par une personne possédant une compétence spéciale dans la matière. La Partie qui voudrait user de ce droit en avisera immédiatement l'autre Partie ; celle-ci aura la faculté d'user du même droit dans un délai de quinze jours à partir de la date où l'avis lui sera parvenu.

Chaque Partie se réserve de nommer immédiatement un suppléant pour remplacer temporairement le membre permanent désigné par elle qui, par suite de maladie ou de toute autre circonstance, se trouverait momentanément empêché de prendre part aux travaux de la commission.

Au cas où l'un des membres de la commission de conciliation désigné en commun par les Parties contractantes serait momentanément empêché de prendre part aux travaux de la commission par suite de maladie ou de toute autre circonstance, les Parties s'entendront pour désigner un suppléant qui siégera temporairement à sa place. Si la désignation de ce suppléant n'intervient pas dans un délai d'un mois à compter de la vacance temporaire du siège, il sera procédé conformément à l'article 6 du présent traité.

Article 9. — 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 n'en 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 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 (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 de conciliation se réunira, sauf accord contraire entre les Parties, au lieu désigné par son président.

Article 12. — Les travaux de la commission de conciliation ne sont publics qu'en vertu d'une décision prise par la commission avec l'assentiment des Parties.

Article 13. [*Voir art.* 14 *du Traité entre la Belgique et la Roumanie,* 8 *juillet* 1930, *p.* 320.]

Article 14. — Sauf disposition contraire du présent traité, les décisions de la commission de conciliation seront prises à la majorité des voix. En cas de partage, la voix du président sera prépondérante.

Article 15. — Les Parties contractantes 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 16. — Pendant la durée des travaux de la commission de conciliation, chacun des commissaires recevra une indemnité dont le montant sera arrêté d'un commun accord entre les Parties contractantes.

Chaque Gouvernement supportera ses propres frais et une part égale des frais communs de la commission, les indemnités prévues à l'alinéa premier étant comprises parmi ces frais communs.

Article 17. — A défaut d'un arrangement portant le litige devant la commission permanente de conciliation, et, dans le cas d'un semblable arrangement, à défaut de conciliation devant la commission permanente de conciliation, la contestation sera soumise 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.

Si le compromis n'est pas arrêté dans les trois mois à compter du jour où l'une des Parties aura été saisie de la demande de règlement judiciaire, chaque Partie pourra, après préavis d'un mois, porter directement par voie de requête la contestation devant la Cour permanente de Justice internationale.

Article 18. — 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 2 du présent traité, et pour lesquelles une procédure de règlement ne serait pas déjà prévue par un traité ou convention en vigueur entre les Parties, seront soumises à la commission permanente de conciliation.

La procédure prévue par les articles 7 à 16 du présent traité sera applicable.

A défaut d'accord entre les Parties sur la requête à présenter à la commission, l'une ou l'autre d'entre elles aura toutefois la faculté de soumettre directement, après préavis d'un mois, la question à ladite commission.

Si la requête émane d'une seule des Parties, elle sera notifiée par celle-ci sans délai à la Partie adverse.

Article 19. — Si les Parties n'ont pu être conciliées, le conflit sera, à la requête de l'une ou l'autre des Parties, soumis pour décision à un tribunal arbitral ayant le pouvoir de statuer *ex æquo et bono*, en tant qu'une règle de droit international ne peut lui être appliquée.

Ce tribunal sera, s'il n'en est convenu autrement, composé de cinq membres désignés suivant la méthode prévue aux articles 5 et 6 du présent traité pour la constitution de la commission de conciliation. Le tribunal devra être constitué dans les six mois qui suivront la demande d'arbitrage.

La décision du tribunal arbitral sera obligatoire pour les Parties.

Article 20. — Lorsqu'il y aura lieu à arbitrage entre elles, les Parties contractantes s'engagent à conclure, dans les six mois qui suivront la demande d'arbitrage, un compromis spécial concernant l'objet du conflit ainsi que les modalités de la procédure.

Si ce compromis ne peut être conclu dans le délai prévu, l'une ou l'autre des Parties aura le droit de saisir le tribunal par voie de simple requête. Dans ce cas, le tribunal arbitral réglera lui-même la procédure.

Article 21. — Les dispositions du présent traité ne s'appliquent pas aux différends qui, de l'avis de l'une des Parties, relèvent, d'après les principes du droit international, exclusivement de sa souveraineté ou rentrent, d'après les traités en vigueur entre elles, dans sa compétence exclusive.

Toutefois, l'autre Partie pourra recourir à la Cour permanente de Justice internationale pour faire décider cette question préalable.

Article 22. — Durant la procédure de conciliation, la procédure judiciaire ou la procédure arbitrale, les Parties contractantes s'abstiendront de toute mesure pouvant avoir une répercussion préjudiciable à l'acceptation des propositions de la commission de conciliation ou à l'exécution de l'arrêt de la Cour permanente de Justice internationale ou de la sentence du tribunal arbitral.

Article 23. — Si la Cour permanente de Justice internationale ou le tribunal arbitral établissait qu'une décision d'une autorité judiciaire ou de toute autre autorité relevant de l'une des Parties contractantes se trouve entièrement ou partiellement en opposition avec le droit des gens et si le droit constitutionnel de cette Partie ne permettait pas ou ne permettait qu'imparfaitement d'effacer par voie administrative les conséquences de la décision dont il s'agit, la sentence judiciaire ou arbitrale déterminerait la nature et l'étendue de la réparation à accorder à la Partie lésée.

Article 24. — Les contestations qui surgiraient au sujet de l'interprétation ou de l'exécution du présent traité seront, sauf accord contraire, soumises directement à la Cour permanente de Justice internationale par voie de simple requête.

Article 25. — Le présent traité sera ratifié par Sa Majesté le roi de Norvège avec l'approbation du Storthing et par le président de la République turque avec l'approbation de la Grande Assemblée nationale.

Les instruments de ratification en seront échangés à Oslo dans le plus bref délai possible.

Article 26. — Le présent traité entrera en vigueur à la date de l'échange des ratifications et aura une durée de dix ans à partir 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 dix années, et ainsi de suite.

Si, lors de l'expiration du présent traité, une procédure de conciliation, de règlement judiciaire ou d'arbitrage se trouve pendante, elle suivra son cours jusqu'à son achèvement.

Le Gouvernement royal de Norvège déclare que, dans le Traité de conciliation, de règlement judiciaire et d'arbitrage norvégo-turc, signé à cette même date, l'absence de dispositions se rapportant aux mesures provisoires de conservation à ordonner par les autorités arbitrales ne s'oppose nullement à l'application par la Cour permanente de Justice internationale de l'article 41 de son Statut, étant bien entendu que, dans le cas où le différend serait soumis à un tribunal arbitral spécialement constitué, celui-ci serait également libre d'ordonner l'application des mesures conservatoires en conformité des stipulations dudit article 41 du Statut de la Cour de Justice internationale, quelle que soit la nature du différend soumis au tribunal d'arbitrage, mais compris bien entendu dans les limites marquées par le Traité de conciliation, de règlement judiciaire et d'arbitrage norvégo-turc.

Une déclaration correspondante a été signée au nom du Gouvernement de la République turque.

433. — TRAITÉ DE RÈGLEMENT JUDICIAIRE, D'ARBITRAGE ET DE CONCILIATION ENTRE LA NORVÈGE ET LES PAYS-BAS

LA HAYE, 23 MARS 1933 [1].

Article premier. — Les Hautes Parties contractantes s'engagent réciproquement à ne rechercher, dans aucun cas, autrement que par voie pacifique le règlement des litiges ou conflits, de quelque nature qu'ils soient, qui viendraient à s'élever entre la Norvège et les Pays-Bas et qui n'auraient pu être résolus, dans un délai raisonnable, par les procédés diplomatiques ordinaires.

Article 2. — Tous les litiges, de quelque nature qu'ils soient, ayant pour objet un droit allégué par une des Hautes Parties contractantes et contesté par l'autre, et qui n'auraient pu être réglés à l'amiable par les procédés diplomatiques ordinaires, seront soumis pour jugement soit à la Cour permanente de Justice internationale, soit à un tribunal arbitral, ainsi qu'il est prévu ci-après. Il est entendu que les litiges ci-dessus visés comprennent notamment ceux que mentionne l'alinéa 2 de l'article 13 du Pacte de la Société des Nations.

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. [*Voir art. 3 du Traité entre la Belgique et la Roumanie, 8 juillet 1930, p. 318.*]

Article 4. — Si, dans le cas d'un des litiges visés à l'article 2, les deux Parties n'ont pas eu recours à la commission permanente de conciliation ou si celle-ci n'a pas réussi à concilier les Parties, le litige sera soumis d'un commun accord par voie de compromis soit à la Cour permanente de Justice internationale, qui statuera dans les conditions et suivant la procédure prévues par son Statut, soit à un tribunal arbitral, qui statuera 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 choix de la juridiction, sur les termes du compromis ou, en cas de procédure arbitrale, sur la désignation des arbitres, l'une ou l'autre d'entre elles, après un préavis d'un mois, aura la faculté de porter directement, par voie de requête, le litige devant la Cour permanente de Justice internationale.

[1] Communication du Gouvernement norvégien.

Article 5. — 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 pourra être 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 6. — 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 Parties conviennent qu'il devra être accordé par la sentence judiciaire ou arbitrale, à la Partie lésée, une satisfaction équitable.

Article 7. — Toutes questions sur lesquelles les Hautes Parties contractantes seraient divisées sans pouvoir les résoudre à l'amiable par les procédés diplomatiques ordinaires, questions dont la solution ne pourrait être recherchée par un jugement ainsi qu'il est prévu par l'article 2 du présent traité et pour lesquelles une procédure de règlement ne serait pas déjà prévue par un traité ou une convention 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 leur présenter un rapport.

A défaut d'accord entre les Parties sur la requête à présenter à la commission, l'une ou l'autre d'entre elles aura la faculté de soumettre directement, après un préavis d'un mois, la question à ladite commission.

Dans tous les cas, s'il y a contestation entre les Parties sur la question de savoir si le différend a ou non la nature d'un litige visé dans l'article 2 et susceptible de ce chef d'être résolu par un jugement, cette contestation sera, préalablement à toute procédure devant la commission permanente de conciliation, soumise à la décision de la Cour permanente de Justice internationale, d'accord entre les Hautes Parties contractantes ou à défaut d'accord à la requête de l'une d'entre elles.

Article 8. — La commission permanente de conciliation prévue par le présent traité 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 trois commissaires devront être de nationalités différentes et ne pas se trouver au service d'une des Hautes Parties contractantes. Parmi eux les deux Parties désigneront le président de la commission.

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.

Il sera pourvu aussi rapidement que possible, et dans un délai qui ne devra pas excéder trois mois, aux vacances qui viendraient

à se produire par suite de décès, de démission ou de quelque empêchement permanent ou temporaire en suivant le mode fixé pour les nominations.

Article 9. — La commission permanente de conciliation sera constituée dans les six mois qui suivront l'échange des ratifications du présent traité.

Si la nomination des membres de la commission à désigner en commun n'intervient pas dans ledit délai ou, en cas de remplacement, dans les trois mois à compter de la vacance du siège, le Président de la Cour permanente de Justice internationale sera prié par les deux Parties conjointement, ou par l'une d'elles, de procéder aux nominations requises. Si le Président est empêché ou s'il est ressortissant de l'une des Parties, le Vice-Président sera prié de procéder à ces nominations. Si celui-ci est empêché ou s'il est ressortissant de l'une des Parties, le premier des autres juges selon l'ordre du tableau de la Cour qui n'est ressortissant d'aucune des Parties sera prié de procéder à ces nominations.

Articles 10 *et* 11. [*Voir*, mutatis mutandis, *art.* 8 *et* 9 *du traité précité, p.* 320.]

Article 12. — La commission permanente de conciliation aura pour tâche d'élucider les questions en litige, de recueillir à cet effet 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, s'il y a lieu, leur impartir un délai pour se prononcer.

A la fin de ses travaux, la commission dressera un rapport qui en constatera le résultat et dont un exemplaire sera remis à chacune des Parties. Le rapport ne mentionnera pas si les décisions de la commission ont été prises à l'unanimité ou à la majorité.

Les Parties ne seront jamais liées par les considérations de fait, de droit ou autres auxquelles la commission se sera arrêtée.

Sous réserve de la disposition de l'article 7, alinéa 3, les travaux de la commission devront, à moins que les Parties en conviennent différemment ou la commission juge indispensable de prolonger le délai, être terminés dans un délai de six mois à compter du jour où la commission aura été saisie du litige. Si la commission juge indispensable de continuer ses travaux au delà de six mois, elle communiquera les motifs aux deux Parties.

Articles 13 *et* 14. [*Voir art.* 8 *et* 9 *du Traité entre la France et le Portugal,* 6 *juillet* 1928, *p.* 315.]

Articles 15 *à* 22. [*Voir art.* 13 *à* 18, 20 *et* 21 *du Traité entre la Belgique et la Roumanie,* 8 *juillet* 1930, *pp.* 320-321 *et* 322.]

Article 23. — Le présent traité sera ratifié. Les ratifications en seront échangées à Oslo aussitôt que faire se pourra.

Article 24. — Le présent traité entrera en vigueur dès l'échange des ratifications et aura une durée de dix ans à compter de son entrée en vigueur. S'il n'est pas dénoncé six mois avant l'expira-

ration de cette période, il sera considéré comme renouvelé tacitement pour une nouvelle période de cinq ans et ainsi de suite.

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 la Cour permanente de Justice internationale ou devant le tribunal d'arbitrage, cette procédure serait poursuivie jusqu'à son achèvement.

THIRD PART.

VARIOUS INSTRUMENTS PROVIDING FOR THE JURISDICTION OF THE COURT.

SUMMARY.

SECTION A.

434.—CONVENTION CONCERNING THE PROTECTION AGAINST ACCIDENTS OF WORKERS EMPLOYED IN LOADING OR UNLOADING SHIPS (REVISED IN 1932)

ADOPTED BY THE LABOUR CONFERENCE [1].

GENEVA, APRIL 27th, 1932 [2].

Ratifications: —

Entry into force: Twelve months after the registration of the ratifications of two Members (Art. 20).

435.—CONVENTION CONCERNING THE AGE FOR ADMISSION OF CHILDREN TO NON-INDUSTRIAL EMPLOYMENT

ADOPTED BY THE LABOUR CONFERENCE [1].

GENEVA, APRIL 30th, 1932 [2].

Ratifications: —

Entry into force: Twelve months after the registration of the ratifications of two Members (Art. 11).

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[1] *International Labour Conference*, Draft conventions and recommendations adopted by the Conference at its 16th session.

[2] Article 423 of the Treaty of Versailles and the corresponding articles of the other peace treaties give the Court jurisdiction to deal with, *inter alia*, any question or difficulty relating to the interpretation of conventions concluded, after the entry into force of the treaties and in virtue of the Part entitled "Labour", by the Members of the International Labour Organization (see Series D., No. 6, p. 537).

SECTION B.

436. — CONVENTION RELATIVE A LA NAVIGATION AÉRIENNE ENTRE L'ALLEMAGNE ET LA BELGIQUE

PARIS, 29 MAI 1926 [1].

(*Ratifications échangées à Paris le 22 octobre 1927.*)

Article 20. — Les détails d'application de la présente convention seront réglés, toutes les fois que ce sera possible, par entente directe entre les diverses administrations compétentes des deux Parties contractantes (notamment pour réglementer les formalités douanières).

Toute contestation concernant l'application de la présente convention, qui n'aurait pas été réglée à l'amiable par la voie diplomatique ordinaire, sera réglée conformément aux dispositions de la Convention d'arbitrage belgo-allemande en date du 16 octobre 1925 [2].

437. — CONVENTION POUR L'ÉTABLISSEMENT ET L'EXPLOITATION D'UNE LIGNE AÉRIENNE BELGIQUE-FRANCE-CONGO ENTRE LA BELGIQUE ET LA FRANCE

BRUXELLES, 23 MAI 1930 [3].

(*Ratifications échangées à Paris le 13 mai 1931.*)

Article 17. — En cas de contestation au sujet de l'interprétation ou de l'application de la présente convention, les Hautes Parties contractantes sont d'accord pour soumettre leur litige à l'arbitrage ou, à défaut d'accord sur le choix d'un arbitre, à la décision de la Cour permanente de Justice internationale.

[1] *Société des Nations, Recueil des Traités*, vol. CXXVII (1932), p. 149.
[2] Voir Série D, n° 6, p. 129.
[3] *Société des Nations, Recueil des Traités*, vol. CXIX (1931-1932), p. 33.

438. — CONVENTION ENTRE LA FRANCE ET LA GRÈCE POUR L'ÉTABLISSEMENT DE LIGNES DE NAVIGATION AÉRIENNE

ATHÈNES, 5 JUIN 1931 [1].

(*Ratifications échangées à Paris le 2 juin* 1932.)

Article 12. — En cas de contestation au sujet de l'interprétation ou de l'application de la présente convention, les deux Hautes Parties contractantes sont d'accord pour soumettre leur litige à l'arbitrage, ou à défaut d'accord sur le choix d'un arbitre, à la décision de la Cour permanente de Justice internationale.

439. — CONVENTION D'ÉTABLISSEMENT, DE COMMERCE ET DE NAVIGATION ENTRE LA ROUMANIE ET LA SUÈDE

BUCAREST, 7 OCTOBRE 1931 [2].

(*Ratifications échangées à Stockholm le 2 juin* 1932.)

Article XXV. — Tout différend sur l'interprétation ou l'application de la présente convention qui n'aura pu être résolu entre les Hautes Parties contractantes par la voie diplomatique, sera soumis à la Cour permanente de Justice internationale.

Toutefois, les différends qui pourraient surgir sur le traitement des marchandises ou sur l'application des stipulations tarifaires ou de navigation et qui seraient de nature à exiger une solution immédiate, seront soumis, si les Hautes Parties contractantes en conviennent, à un tribunal arbitral constitué *ad hoc*. Ce tribunal sera composé de trois membres. Les Parties contractantes nommeront chacune un membre à leur gré et désigneront d'un commun accord le troisième membre, agissant comme président. La désignation des membres devra être effectuée dans les trente jours qui suivent la date où les Hautes Parties contractantes seront convenues de recourir à la procédure arbitrale. A défaut d'accord entre les Parties contractantes à l'expiration de ce délai en ce qui concerne le troisième membre, celui-ci sera nommé par le Président de la Cour permanente de Justice internationale de La Haye.

Les décisions dudit tribunal arbitral auront force obligatoire.

[1] *Société des Nations, Recueil des Traités*, vol. CXXXI (1932-1933), p. 207.
[2] *Op. cit.*, p. 51.

440. — DÉCLARATION FAITE PAR L'IRAK A L'OCCASION DE L'EXTINCTION DU RÉGIME MANDATAIRE

BAGDAD, 30 MAI 1932 [1].

Article 16. — Les dispositions contenues dans le présent chapitre constituent des obligations d'intérêt international. Tout Membre de la Société des Nations pourra signaler à l'attention du Conseil les infractions à ces dispositions. Ces dernières ne pourront être modifiées que par l'accord entre l'Irak et le Conseil de la Société des Nations statuant à la majorité des voix.

Toute divergence d'opinions qui viendrait à s'élever entre l'Irak et l'un quelconque des Membres de la Société des Nations représentés au Conseil au sujet de l'interprétation ou de l'exécution desdites dispositions sera, à la requête de ce Membre, soumise pour décision à la Cour permanente de Justice internationale.

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441. — TRAITÉ DE COMMERCE ET DE NAVIGATION ENTRE LE PANAMA ET LES PAYS-BAS

WASHINGTON, 2 JUILLET 1932 [2].

Article IX. — Tout différend sur l'interprétation, l'application ou l'exécution du présent traité, qui ne pourrait être réglé entre les Hautes Parties contractantes par la voie diplomatique, sera soumis à la décision d'un arbitre qui sera choisi ou d'un tribunal arbitral qui sera constitué par accord des Parties.

A défaut d'accord sur le choix de l'arbitre ou la constitution d'un tribunal arbitral, le différend sera soumis pour décision à la Cour permanente de Justice internationale.

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[1] Document de la Société des Nations A 17. 1932. VII.

La déclaration avait été approuvée par le Conseil à la date du 19 mai 1932. Par une note en date du 13 juillet 1932, le Secrétaire général informa le Conseil que l'instrument de ratification de la déclaration avait été déposé dans les archives du Secrétariat.

[2] Communication du Gouvernement néerlandais. — Textes officiels espagnol et néerlandais ; traduction en français du Greffe de la Cour.

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 judicial settlement, arbitration and conciliation between Norway and The Netherlands, The Hague, March 23rd, 1933, Art. 9, above, p. 335.

Convention concerning conditions of residence, commerce and navigation between Roumania and Sweden, Bucharest, October 7th, 1931, Art. XXV, above, p. 340.

442. — TRAITÉ D'AMITIÉ ENTRE LA LITHUANIE ET LA PERSE

MOSCOU, 13 JANVIER 1930 [1].

(*Ratifications échangées à Moscou le 22 juin* 1932.)

Article 6. — Les deux Hautes Parties contractantes conviennent de soumettre à l'arbitrage tous les différends qui surgiraient entre elles 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 pays 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 ces 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 restreindre. 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.

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

[1] *Société des Nations, Recueil des Traités*, vol. CXXXI (1932-1933), p. 221.

le tribunal arbitral, ainsi formé, déterminera sa procédure et réglera le différend. Toutes les décisions du tribunal arbitral seront rendues à la majorité.

Pour tout différend autre que ceux de l'espèce à laquelle s'appliquent les prescriptions ci-dessus prévues et qui n'aurait pu être réglé d'une façon satisfaisante par la voie diplomatique, les Hautes Parties contractantes, respectueuses de leurs obligations en tant que Membres de la Société des Nations, conviennent en tout cas de ne recourir qu'à des procédures de règlement pacifique. Elles se réservent de déterminer, dans chaque cas par un compromis spécial, la procédure qui leur paraîtra le mieux appropriée.

Elles conviennent d'ailleurs que si toutes les deux elles venaient à adhérer à une formule générale recommandée par la Société des Nations, elles l'appliqueraient au règlement de tous les différends auxquels elle s'adapte, nonobstant, s'il y a lieu, les dispositions qui précèdent.

443.—TREATY OF COMMERCE AND NAVIGATION BETWEEN THE GERMAN REICH AND THE IRISH FREE STATE

DUBLIN, MAY 12th, 1930 [1].

(*Ratifications exchanged at Berlin, December 21st*, 1931.)

Article 24.—If a dispute in regard to the interpretation or application of this Treaty, inclusive of the Protocol, cannot be solved by diplomatic means within a reasonable time, it shall, at the request of either of the Contracting Parties, be submitted for decision to a court of arbitration. The preliminary question whether the dispute relates to the interpretation or application of the Treaty shall be dealt with likewise. The award of the court of arbitration shall be binding.

The court of arbitration shall, in each particular case, be constituted by each Party nominating one of its subjects as arbiter and both Parties choosing a subject of a third State as chairman and co-arbiter. Should the Parties fail to agree upon the choice of the chairman within four weeks after the receipt of the request for a decision by arbitrators, they shall jointly request the President of the Permanent Court of International Justice at The Hague to appoint such chairman. The Contracting Parties reserve to themselves the right to agree beforehand as to the person of such chairman for a stated period.

The rules of procedure to be observed by the court of arbitration shall in each particular case be settled by mutual agreement between the Parties. If the Parties fail to agree upon such rules of procedure within three months from the date of appeal to arbitration, the court of arbitration shall itself settle its procedure.

[1] *League of Nations, Treaty Series*, Vol. CXXXI (1932-1933), p. 153.

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.*	*Pages.*
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
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

[1] This table contains instruments which had come to the knowledge of the Registry on June 15th, 1933. 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, 1933, are reproduced either in the *Collection of Texts governing the jurisdiction of the Court*, fourth edition, the Eighth Annual Report (pp. 462-485), or in Chapter X of the present volume (second 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.

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).

E 8: *Eighth Annual Report of the Court;* E 9: *Ninth Annual Report* (June 15th, 1932—June 15th, 1933), 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. 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 8 in the day and 48 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
Nov. 29	Washington	Conv. concerning employment of women before and after childbirth	(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

1920 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
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 P. C. I. J.	——	2	18
Dec. 16	Geneva	Protocol of Signature of the P. C. I. J.	(Collective Treaty)	3	18
Dec. 16	Geneva	Statute of the P. C. I. J.	——	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
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

1921 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
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
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

1922 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
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
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 Conv.	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 Conv.	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
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

1923 (*cont.*).	*Place o signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
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
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

1924 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
May 8	Paris	Conv. relating to 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
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
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

1924 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Aug. 30	London	Agreement relating to the Arrangement of Aug. 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
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

1925 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
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
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	Exchange of notes 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	The Netherlands and Siam	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	Conv. concerning the establishment of a conciliation commission	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	Exchange of notes 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
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

1925 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Nov. 26	Berlin	Protocol attached to Customs and Credit Treaty	Germany and The Netherlands	385	651
Dec. 7	Prague	Agreement regarding the execution of Art. 266 (last paragraph) and 273 of the Treaty of Saint-Germain	Austria and Czechoslovakia	361	635
Dec. 12	The Hague	Treaty of conciliation	The Netherlands and Switzerland	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
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	Palestine ; Syria and Great Lebanon	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	Exchange of notes relating to the 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	Treaty of conciliation and judicial settlement	Spain and Switzerland	49	170
April 23	Copenhagen	Treaty of conciliation and arbitration	Denmark and Poland	50	173
April 30	Brussels	*Idem*	Belgium and Sweden	51	178

1926 (*cont.*).		*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
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
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
					E 9	
May	29	Paris	Conv. concerning air navigation	Belgium and Germany	436	339
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 Oct. 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 Oct. 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
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

1926 (cont.).	Place of signature.	Title of the act.	Contracting Parties.	Nos.	Pages.
Dec. 29	Lisbon	Exchange of notes concerning the abrogation of the Arbitration Conv. of Nov. 15th, 1913	Portugal and Sweden	64	210
1927.					
Jan. 4	London	Exchange of notes 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
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

1927 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
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
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
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

1927 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos. Pages.* 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 Art. 266 (last para.) 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
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-agression 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

1928 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
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
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 6	Paris	Treaty of conciliation and arbitration	France and Portugal	**E** 9 429	314
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
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

1928 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
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
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	Pact 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	*Idem*	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
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

1929 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
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
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

1929 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
Oct. 2	Prague	Conv. of judicial settlement, arbitration and conciliation	Czechoslovakia and Finland	129	408
Nov. 2	Hamburg	Decision respecting the execution of Art. 363-364 of the Treaty of Versailles, and annexes	Czechoslovakia and Germany	332	612
				E 8	
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.				**E** 9	
Jan. 13	Moscow	Treaty of friendship	Lithuania and Persia	442	344
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
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 regarding the complete and final settlement of the question of reparations	South Africa, Australia, Belgium, Canada, Czechoslovakia, France, Germany, Great Britain, Greece, India, Italy, Japan, New Zealand, Poland, Portugal, Roumania, Yugoslavia	335	614

1930 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
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, Belgium, Bulgaria, 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
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

1930 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
March 12	Teheran	Treaty of friendship	The Netherlands and Persia	416	675
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
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

1930 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos. Pages.*
May 5	Athens	Treaty of conciliation and arbitration	Greece and Hungary	144 442
May 12	Dublin	Treaty of commerce and navigation	Germany and Irish Free State	**E** 9 443 345
May 23	Brussels	Conv. for the establishment and working of an aerial line of communication Belgium-France-Congo	Belgium and France	**E** 9 437 339
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
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 8	Bucharest	Treaty of judicial settlement, arbitration and conciliation	Belgium and Roumania	**E** 9 430 318
July 26	Lisbon	Treaty of conciliation, judicial settlement and arbitration	Norway and Portugal	150 450

1930 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.* E 8	*Pages.*
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
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	The 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	The Netherlands and Spain	159	471

1931 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos.*	*Pages.*
April 11	Tallinn	Conv. of commerce and navigation	Esthonia and Finland	420	679
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 5	Athens	Conv. for the establishment of aerial navigation	France and Greece	**E** 9 438	340
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 inter-governmental 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
Aug. 11	Bucharest	Conv. concerning conditions of residence and business	Greece and Roumania	**E** 8 427	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

1931 (*cont.*).	*Place of signature.*	*Title of the act.*	*Contracting Parties.*	*Nos. Pages.*
Aug. 22	Vienna	Conv. concerning conditions of residence and business, commerce and navigation	Austria and Roumania	356 628
Oct. 3	Moscow	Treaty of friendship	Esthonia and Persia	**E** 8 428 484
Oct. 7	Bucharest	Conv. concerning conditions of residence, commerce and navigation	Roumania and Sweden	**E** 9 439 340
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
Nov. 26	Sofia	Treaty of conciliation, arbitration and judicial settlement	Bulgaria and Norway	**E** 8 422 466
1932.				
Jan. 4	Warsaw	Treaty of friendship, conciliation and arbitration	Greece and Poland	**E** 9 431 322
Feb. 12	Geneva	Treaty of conciliation, arbitration and settlement	Luxemburg and Norway	**E** 8 423 473
April 27	Geneva	Conv. concerning the protection against accidents of workers employed in loading or unloading ships (revised in 1932)	(Collective Treaty)	**E** 9 434 338
April 30	Geneva	Conv. concerning the age for admission of children to non-industrial employment	(Collective Treaty)	**E** 9 435 338
May 30	Bagdad	Declaration made by Iraq on the occasion of the termination of the mandatory régime	Iraq	**E** 9 440 341
July 2	Washington	Treaty of commerce and navigation	The Netherlands and Panama	**E** 9 441 341

1933.				**E** 9
Jan. 16	Ankara	Treaty of conciliation, judicial settlement and arbitration	Norway and Turkey	432 328
				E 9
March 23	The Hague	Treaty of judicial settlement, arbitration and conciliation	The Netherlands and Norway	433 333

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