

SERIES E.—No. 6

SIXTH ANNUAL REPORT
OF THE
PERMANENT COURT OF INTERNATIONAL JUSTICE
(June 15th, 1929—June 15th, 1930)

PUBLICATIONS OF THE PERMANENT COURT
OF INTERNATIONAL JUSTICE

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A. W. SIJTHOFF'S PUBLISHING COMPANY—LEYDEN

INTRODUCTION.

The Court's Sixth Annual Report covers the period June 15th, 1929, to June 15th, 1930. The plan adopted is the same as that of the preceding Reports.

Amongst the matters with which it deals, the following should be noted: the election of M. Fromageot and Sir Cecil Hurst (p. 17); the resignation of Mr. Charles Evans Hughes (p. 17); the steps taken with a view to the new election of the whole Court (pp. 18-19); the enquiry decided upon by the Assembly of the League of Nations at its Tenth Session into the organization and working of the Secretariat of the League of Nations, the International Labour Office, and in particular the Registry of the Court (pp. 43-46); the working out of a scheme of pensions for the officials of these organizations (pp. 46-49); the revision of the Court's Statute (pp. 56-98); the list (pp. 144-146) of States bound by the Optional Clause of the Court's Statute (the text of all declarations accepting the Optional Clause signed since the establishment of the Court is reproduced in Chapter X, on pp. 468-485); the adherence of the United States of America to the Court's Statute (pp. 149-170).

Chapter IV contains summaries of four orders made (of which one concerns the case of the Free Zones of Upper Savoy and the District of Gex), and of one judgment delivered by the Court in August and September 1929¹.

Chapter VI is a supplement to the Digest which appeared in the Third Annual Report (Chapter VI), incorporating in it decisions taken during the period 1929-1930; this Digest had already been brought up to date, as regards decisions taken during the period 1927-1928, by Chapter VI of the Fourth Annual Report, and as regards decisions during the period 1928-1929, by Chapter VI of the Fifth Annual Report. The analytical index which follows this Chapter covers the whole of the decisions, those dealt with in the Third, Fourth and Fifth Annual Reports as well as those given in the present volume.

¹ The Fifth Annual Report contains summaries of the Court's judgments in the case of the Serbian loans and in that of the Brazilian loans, which judgments were rendered on July 12th, 1929, at the conclusion of the Sixteenth (extraordinary) Session, which had been specially summoned for the hearing of these cases and which began on May 13th, 1929.

Chapter VIII refers to proposed modifications in the Financial Regulations; it also reproduces the rules at present applicable with regard to the payment of allowances and indemnities to members of the Court.

Like that contained in the Third, Fourth and Fifth Annual Reports, the bibliographical list given in Chapter IX is additional to that in the Second Annual Report. It is completed to June 15th, 1930, and also makes good certain omissions in previous lists. The two indexes to the bibliography cover all five lists.

Chapter X constitutes the fourth addendum to the third edition of the *Collection of Texts governing the Court's jurisdiction*, which appeared on December 15th, 1926¹. It contains, in a first section, supplementary information regarding the instruments mentioned in the *Collection* and in the first, second and third addenda; a second section contains the text of the relevant clauses of the various international instruments which have come to the knowledge of the Court during the period 1929-1930. Chapter X is followed by a list in chronological order of the new instruments given in Section II. A complete list, also in chronological order, of all international instruments mentioned either in the third edition of the *Collection* or in the four addenda is given in Chapter III.

* * *

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

The Hague, July 15th, 1930.

Å. HAMMARSKJÖLD,
Registrar.

¹ The first addendum is Chapter X of the Third Annual Report, the second addendum the same chapter of the Fourth Annual Report, and the third the same chapter of the Fifth Annual Report.

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CHAPTER I.

THE COURT AND THE REGISTRY.

I.

THE COURT.

(I) COMPOSITION OF THE COURT.

On September 19th, 1929, as the result of elections held simultaneously by the Assembly and the Council, the President of the Assembly announced the election as members of the Permanent Court of International Justice, in succession to M. André Weiss and Lord Finlay, deceased, of M. Henri Fromageot (France) and Sir Cecil Hurst (Great Britain). On the same day, the Secretary-General of the League of Nations requested M. Fromageot and Sir Cecil Hurst to inform him whether they accepted their appointment and likewise notified the Registrar of the Court of the election. On September 27th, 1929, the Secretary-General informed the Registrar that the appointments had been accepted.

Election of
M. Fromageot
and Sir Cecil
Hurst.

M. Fromageot and Sir Cecil Hurst were elected for the unexpired portion of the period of appointment of M. Weiss and Lord Finlay, i.e. until December 31st, 1930.

On February 15th, 1930, Mr. Charles Evans Hughes, by telegrams addressed to the President of the Court and to the Secretary-General of the League of Nations, resigned his position as member of the Court, in consequence of his appointment as Chief Justice of the United States of America. Mr. Hughes' resignation was accepted by the Council of the League of Nations¹ on May 12th, 1930 (1st meeting of the 59th Session),

Resignation of
Mr. Hughes.

¹ The report upon which the Council's decision was based contains the following passage concerning the date as from which Mr. Hughes' resignation should take effect:

"Mr. Hughes has expressed the wish that his resignation should take immediate effect. I have no doubt that the Council and the Assembly would

subject to the concurrent approval to be given by the Eleventh Assembly of the League of Nations which meets at Geneva on September 10th, 1930. Accordingly, the Secretary-General has taken the necessary steps with a view to the election on that occasion of a successor to Mr. Hughes for the latter months of 1930.

Composition of the Court. Having regard to these changes, the Court is now composed as follows :

<i>Judges :</i>	<i>Nationality :</i>
MM. ALTAMIRA	Spanish
ANZILOTTI	Italian
DE BUSTAMANTE	Cuban
FROMAGEOT	French
HUBER	Swiss
(HUGHES	United States of America)
HURST (Sir Cecil)	British
LODER	Dutch
NYHOLM	Danish
ODA	Japanese
PESSÔA	Brazilian.

<i>Deputy-Judges :</i>	
MM. BEICHMANN	Norwegian
NEGULESCO	Roumanian
WANG CHUNG-HUI	Chinese
YOVANOVITCH	Yugoslav.

New election of the whole Court. Article 13 of the Statute lays down that members of the Court are elected for nine years. As the judges at present composing the Court were elected on September 14th and 16th, 1921, and as

desire that the resignation should be treated as taking effect on the date indicated by Mr. Hughes. The amendments to the Statute of the Court which were drawn up last year and now await ratification by the governments provide that the resignation of a member of the Court shall become operative so soon as it has been communicated to the President of the Court and notified by the latter to the Secretary-General. In the absence, however, of express provision on the subject in the Statute of the Court as at present in force, and in accordance with the precedent established on the occasion of the resignation of Judge Bassett Moore, in 1928, it appears to be formally necessary that the Council and the Assembly should both accept the present resignation. I propose therefore that the Council, in accordance with the precedent which I have mentioned, should accept the resignation subject to the concurrence of the Assembly."

Article 1 of the Rules of Court lays down that the term of office of members shall commence on January 1st of the year following their election, the term of the present members expires on December 31st, 1930.

Elections will therefore be held in the course of the Eleventh Assembly of the League of Nations which meets at Geneva on September 10th, 1930. In preparation for these elections, the Secretary-General of the League has taken the following steps in accordance with the relevant provisions of the Statute:

On March 21st, 1930, he sent to all the governments who are Members of the Permanent Court of Arbitration, letters requesting them to transmit to the members of their respective national groups of that Court an invitation to undertake the nomination of candidates. In the case of Members of the League who are not represented on the Permanent Court of Arbitration, the Secretary-General of the League of Nations has invited them, in accordance with the second paragraph of Article 4 of the Statute, to appoint national groups for the purpose of making nominations; as soon as these groups have been appointed, the Secretary-General will request the persons composing them to nominate candidates.

Nominations are to be communicated to the Secretary-General of the League of Nations before August 1st, 1930.

To the communications above mentioned, the Secretary-General attached a memorandum giving some data regarding the working of the Court and explaining that the candidates elected would be called upon to perform their duties either under the conditions laid down by the present Statute or under the conditions which would ensue from the entry into force of the amended Statute¹.

The members of the Court who are elected in September 1930 will enter upon their duties on January 1st, 1931, and their term of office will expire on December 31st, 1939.

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

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

¹ See p. 56.

List of
Judges.

Judges :

MM. ANZILOTTI, *President*,
HUBER, *Vice-President*,
LODER,
NYHOLM,
DE BUSTAMANTE,
ALTAMIRA,
ODA,
PESSÔA,
(HUGHES) ¹,
FROMAGEOT ²,
Sir CECIL HURST ³.

Deputy-Judges :

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

(3) BIOGRAPHICAL NOTES CONCERNING THE JUDGES.

(For biographies of MM. Altamira, Anzilotti, Barbosa, Beichmann, de Bustamante, Lord Finlay, MM. Huber, Loder, Moore, Negulesco, Nyholm, Oda, Pessôa, Wang Chung-Hui, Weiss, Yovanovitch, see First Annual Report, pp. 14-26. For biography of Mr. Hughes and M. Fromageot, see Fifth Annual Report, pp. 25 and 33.)

SIR CECIL J. B. HURST.

Sir Cecil Hurst was born at Horsham on October 28th, 1870. He was educated at Westminster, and at Trinity College (Cambridge) where he graduated as LL.B. in 1892 after being placed in the first class in the Law Tripos. He was called to the bar in 1893. In 1902 he entered the Foreign Office in London as Assistant Legal Adviser, becoming Legal Adviser in 1918.

¹ Resigned (see p. 17).

² In succession to M. André Weiss deceased.

³ „ „ „ Lord Finlay deceased.

In 1907 he was one of the British technical delegates at the Second Peace Conference and was a member of the Drafting Committee of the Conference. In 1908 he was a British delegate at the International Naval Conference in London which framed the Declaration of London. In 1910 he was appointed by the King to be a member of the Commission to report on the Alsop claim referred to the arbitration of His Majesty by the Governments of the United States and of Chile. In 1912 he was appointed British Agent and Counsel for the Pecuniary Claims Commission established by the Governments of Great Britain and the United States by the treaty of 1910 to settle the claims outstanding between the two Governments. In 1919 he was a member of the British Delegation to the Peace Conference in Paris and subsequently became the British member of the Committee of Legal Advisers to the Conference of Ambassadors. He was Counsel for Great Britain before the Permanent Court of International Justice in the cases of the *Wimbledon* (Judgment No. 1), *Mavrommatis*—jurisdiction question (Judgment No. 2), and the *Oder* (Judgment No. 16). In 1929 he was appointed a member of the Permanent Court of Arbitration and elected a judge of the Permanent Court of International Justice.

Sir Cecil Hurst was made a C.B. in 1907, a K.C. in 1913, and a K.C.B. in 1920. In 1922 he was elected to be a Bencher of the Middle Temple. In 1924 he was made a K.C.M.G. and a G.C.M.G. in 1926. He received the degree of LL.D. *honoris causa* from the University of Cambridge in 1928.

(4) NATIONAL JUDGES.

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

The following persons have been nominated in accordance with Articles 4 and 5 of the Statute, either in 1921 (election of members of the Court) or in 1923 (replacement of M. Barbosa, deceased) or in 1928 (replacement of Mr. Moore, resigned) or in 1929 (replacement of M. André Weiss and Lord Finlay, deceased). The names printed in **fatfaced letters** are those of candidates elected to the Court; names printed in *italics* are those of candidates whose death has been reported to the Court.

<i>Ador</i> , Gustave	Switzerland
AIYAR, Sir P. S. Sivaswami	India
ALFARO, Ricardo J.	Panama
Altamira , Rafael	Spain
ALVAREZ, Alexandre	Chile
AMEER ALI, Saiyid	India
ANDRÉ, Paul	France
ANGLIN, Franck A.	Canada
Anzilotti , Dionisio	Italy
ARENDT, Ernest	Luxemburg
BALAMEZOV, St. G.	Bulgaria
<i>Barbosa</i> , 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
<i>Bourgeois</i> , Léon	France
BRUM, Baltasar	Uruguay
BUCKMASTER, Lord	Great Britain
BUERO, Juan A.	Uruguay
de Bustamante , Antonio S.	Cuba
BUSTILLOS, Juan Francisco	Venezuela
CHINDAPIROM, Phya	Siam
CHYDENIUS, Jacob Wilhelm	Finland
<i>Colin</i> , Ambroise	France
CRUCHAGA TOCORNAL, Miguel	Chile
DANEFF, Stoyan	Bulgaria
DAS, S. R.	India
DESCAMPS (Le baron)	Belgium
DOHERTY, Charles	Canada
DREYFUS, Eugène	France
DUFF, Lyman Poore	Canada
DUPUIS, Charles	France
ERICH, Rafael	Finland
FADENHEHT, Joseph	Bulgaria
<i>Fauchille</i> , Paul	France
FERNANDEZ Y MEDINA, Benjamin	Uruguay
<i>Finlay</i> , Robert Bannatyne, Viscount	Great Britain
FRIIS, M. P.	Denmark
Fromageot , Henri	France
GODDYN, Arthur	Belgium

<i>Gonzalez</i> , Joaquin V.	Argentine
GOYENA, J. Y.	Uruguay
GRAM, G.	Norway
GUERRERO, J. Gustavo	Salvador
HAILSHAM, Lord	Great Britain
<i>Halban</i> , Alfred	Poland
HAMMARSKJÖLD, Hj. L.	Sweden
HAMMARSKJÖLD, Åke	Sweden
HANOTAUX, Gabriel	France
HANSSON, Michael	Norway
HANWORTH, Lord	Great Britain
HASSAN KHAN MOCHIROD DOWLEH (H.H.)	Persia
HERMANN-OTAVSKY, Charles	Czechoslovakia
HIGGINS, A. Pearce	Great Britain
HONTORIA, Manuel Gonzales	Spain
Huber , Max	Switzerland
Hughes , Charles Evans	U.S. of America
Hurst , Sir Cecil	Great Britain
HYMANS, Paul	Belgium
IMAM, Sir Saiyid Ali	India
KADLETZ, Karel	Czechoslovakia
KARAGUIOZOV, Anguel	Bulgaria
<i>Klein</i> , Franz	Austria
KRAMARZ, Charles	Czechoslovakia
KRIEGE, Johannes	Germany
KRITIKANUKORNKITCH, Chowphya Bij- aiyati	Siam
LAFLEUR, Eugène	Canada
LANGE, Christian	Norway
LAPRADELLE, Albert de	France
LARNAUDE	France
LE FUR, Louis	France
LEMONON, Ernest	France
LESPINASSE, Edmond de	Haiti
LIANG, Chi-Chao	China
Loder , B. C. J.	Netherlands
<i>Magyary</i> , Géza de.	Hungary
MANOLESCO RAMNICEANO	Roumania
MARKS DE WURTEMBERG, Baron Erik Teodor	Sweden
MASTNY, Vojtěch	Czechoslovakia
MOHAMMED ALI KHAN ZOKAOL MOLK .	Persia
Moore , John Bassett	U.S. of America
MORALES, Eusebio	Panama
Negulesco , Demètre	Roumania
Nyholm , Didrik 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 , Epitocio da Silva	Brazil
<i>Phillimore</i> , 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
REYES, Pedro Miguel	Venezuela
RIBEIRO, Arthur Rodrigues de Almeida	Portugal
<i>Richards</i> , Sir Henry Erle	Great Britain
ROLIN-JAEQUEMYS, Baron	Belgium
ROOT, Elihu	U.S. of America
ROSTWOROWSKI, Michel	Poland
<i>Rougier</i> , Antoine	France
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
SETALVAD, Sir C. H.	India
SIMONS, Walther	Germany
SOARES, Auguste Luis Vieira	Portugal
STREIT, Georges	Greece
<i>Struycken</i> , A. A. H.	Netherlands
TYBJERG, Erland	Denmark
VARELA, José Pedro	Uruguay
VELEZ, Fernando	Colombia
VERDROSS, Alfred	Austria
VILLAZON, Eliodoro	Bolivia
VILLIERS, Sir Etienne de	South Africa
WALKER, Gustave	Austria
WALLACH, William	India
Wang Chung-Hui	China
<i>Weiss</i> , André	France
WESSELS, Sir Johannes Wilhelmus	South Africa
WREDE, Baron R. A.	Finland
Yovanovitch , Michel	Yugoslavia
<i>Zeballos</i> , Estanislás	Argentina
ZEPEDA, Maximo	Nicaragua

Zolger, Ivan Yugoslavia
 ZORILLA DE SAN MARTIN, Juan Uruguay

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

"Wimbledon" ¹,
Mavrommatis (jurisdiction and merits) ²,
German interests in Polish Upper Silesia (jurisdiction and merits) ³,
Claim for indemnity in connection with the factory at Chorzów (jurisdiction) ⁴,
 "Lotus" ⁵,
Readaptation of the Mavrommatis Jerusalem Concessions ⁶,
Rights of Minorities in Polish Upper Silesia (minority schools) ⁷,
Claim for indemnity with respect to the Chorzów factory (merits) ⁸,
Payment of various Serbian loans issued in France ⁹,
Payment in gold of Brazilian Federal loans contracted in France ¹⁰,

and in the following question for advisory opinion (Article 71 (revised) of the Rules of Court) :

Jurisdiction of the Danzig Courts ¹¹.

Since then the Court has had before it two contested cases which have necessitated the appointment of judges *ad hoc*. First, the case of the free zones of Upper Savoy and the District of Gex, which is still pending before the Court and which formed the subject of an order dated August 19th, 1929 ¹². A biographical note concerning M. Eugène Dreyfus who is sitting on the Court for this case will be found in the Fifth Annual Report, page 34.

¹ See First Annual Report, p. 163.
² " " " " " " 169.
³ " Second " " " " 99.
⁴ " Fourth " " " " 155.
⁵ " " " " " " 166.
⁶ " " " " " " 176.
⁷ " " " " " " 191.
⁸ " Fifth " " " " 183.
⁹ " " " " " " 205.
¹⁰ " " " " " " 216.
¹¹ " Fourth " " " " 213.
¹² " p. 201.

The second case is that of the territorial limits of the jurisdiction of the Commission of the Oder, which was decided by Judgment No. 16 of September 10th, 1929¹. Having regard to the terms of Article 31, paragraph 4, of the Court's Statute, according to which when there are several Parties in the same interest they are reckoned as one Party only for the purpose of the provisions relating to the appointment of judges *ad hoc*, only the Polish Government was entitled to appoint such a judge; it selected to sit in this case Count Michael Rostworowski, who had already sat in the cases concerning certain German interests in Polish Upper Silesia (jurisdiction and merits) and in that of the minority schools. A biographical note concerning M. Rostworowski will be found in the Second Annual Report, page 18.

In addition to the case of the free zones which is still pending before the Court, the list for the eighteenth (ordinary) Session, opening on June 16th, 1930, includes another case which has been submitted to the Court for advisory opinion and which has necessitated the appointment of national judges, namely, the question concerning the interpretation of certain clauses of the Greco-Bulgarian Convention of November 27th, 1919 (known as the question of the "communities"). The following have been appointed as national judges in this case: by the Greek Government, M. Caloyanni, who has already sat in the Mavrommatis cases (jurisdiction and merits) and in that of the readaptation of the Mavrommatis concessions (jurisdiction)—a biographical note concerning M. Caloyanni is contained in the First Annual Report, p. 54—; and by the Bulgarian Government, M. Theohar Papazoff, former member of the mixed arbitral tribunals set up by the peace treaties.

M. THEOHAR PAPAHOFF.

M. Theohar Papazoff was born in 1873. He studied law at the Faculty of Law of the University of Paris. He was appointed judge of the Court of First Instance at Sofia and subsequently member of the Court of Appeal and finally member of the Court of Cassation in the same city; the latter

¹ See p. 213.

post he occupied from 1913 to 1928. As Bulgarian arbitrator, he was a member of the Franco-Bulgarian, Anglo-Bulgarian, Bulgaro-Belgian, Greco-Bulgarian and Bulgaro-Yugoslav Mixed Arbitral Tribunals.

(5) SPECIAL CHAMBERS.

(See First Annual Report, p. 55.)

Composition of the Chamber for Labour cases.

Chamber for
Labour cases.

Until December 31st, 1930 :

Members :

MM. Anzilotti, *President*,
Huber,
de Bustamante,
Altamira,
(Hughes) ¹.

Substitute Members :

MM. Nyholm,
Oda.

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

Until December 31st, 1930 :

Members :

MM. Loder, *President*,
Nyholm,
Altamira,
Oda,
Pessôa.

Substitute Members :

MM. Anzilotti,
Huber.

¹ Resigned (see p. 17).

Chamber for
Summary
Procedure.

Composition of the Chamber for Summary Procedure.

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

Members :

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

Substitute Members :

MM. Altamira,
(Hughes)¹.

From June 15th, 1929, to June 15th, 1930, no case has been brought before a Chamber of the Court.

(6) ASSESSORS.

(See First Annual Report, p. 57.)

The following tables give the list, as on June 15th, 1930, of assessors for labour cases appointed by Members of the League of Nations and by the Governing Body of the International Labour Office, and of assessors for transit and 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 in June 1925.

As regards assessors appointed from June 15th, 1925, to June 15th, 1929, see the lists in the Second, Third, Fourth and Fifth Annual Reports. For assessors appointed since June 15th, 1929, see notes to the following lists.

¹ Resigned (see p. 17).

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

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

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

Country.	Name.	Nominated by:	Representing:
<i>Germany.</i>	—	—	—
	—	—	—
<i>Great Britain.</i>	VOGEL,	I.L.O.	Employers.
	GRASSMANN, P.,	I.L.O.	Workers.
	CHAMBERLAIN, Sir Arthur Neville,	Government.	
	MACASSEY, Sir Lynden Livingstone,	Government.	
	DUNCAN, Sir Andrew Rae, THOMAS, The Right Hon. J. H.,	I.L.O. I.L.O.	Employers. Workers.
<i>Greece.</i>	CHOIDAS,	Government.	
	TOTOMIS, M. D.,	Government.	
	ZANNOS, M.,	I.L.O.	Employers.
	LAMBRINOPOULOS, Timoléon,	I.L.O.	Workers.
<i>Haiti.</i>	DENNIS, Fernand,	Government.	
	—	—	—
	—	—	—
	—	—	—
<i>Hungary.</i>	—	—	—
	—	—	—
	TOLNAY, Kornel de, JASZAI, Samu,	I.L.O. I.L.O.	Employers. Workers.
<i>India.</i>	CHOUDHURI,	Government.	
	LOW, Sir Charles Ernest,	Government.	
	KAY, J. A., JOSHI, N. M.,	I.L.O. I.L.O.	Employers. Workers.
<i>Italy.</i>	PERASSI, Tomaso,	Government.	
	MICELI, Giuseppe,	Government.	
	BALELLA, Dr. Giovanni, CUCINI, Bramante,	I.L.O. I.L.O.	Employers. Workers.
<i>Japan.</i>	KAWANISHI, Jitsuzo,	Government.	

Country.	Name.	Nominated by:	Representing:
<i>Japan (cont.).</i>	YOSHIZAKA, Shunzo,	Government.	Employers. Workers.
	MUTO, Sanji, MATSUMOTO, Uhei,	I.L.O. I.L.O.	
<i>Latvia.</i>	SCHUMANS, V.,	Government.	— —
	ROZE, Fr.,	Government.	
<i>Lithuania.</i>	—	—	— —
	SLIZYS, François,	Government.	
<i>Luxemburg.</i>	RAULINAITIS, François,	Government.	— —
	—	—	
<i>Netherlands.</i>	—	—	Employers. Workers.
	MAYRISCH, Emile, SCHETTLE, Michel,	I.L.O. I.L.O.	
<i>Norway.</i>	NOLENS, Mgr.,	Government.	Employers. Workers.
	VOOYS, J. P. de,	Government.	
<i>Panama.</i>	VERKADE, A. E., FIMMEN, E.,	I.L.O. I.L.O.	Employers. Workers.
	BACKER, M. C.,	Government.	
<i>Poland.</i>	BERG, Paal,	Government.	Employers. Workers.
	PAUS, G., LIAN, Ole O.,	I.L.O. I.L.O.	
<i>Poland.</i>	—	—	Employers. Workers.
	ZUBIETA, José Antonio, ADAMES, Enoch,	I.L.O. I.L.O.	
<i>Poland.</i>	KUMANIECKI, Dr. Casimir Ladislav,	Government.	Employers. Workers.
	MLYNARSKI, Dr. Felix,	Government.	
<i>Poland.</i>	ZAGLENICZNY, Jan, ZULAWSKI, Sigismund,	I.L.O. I.L.O.	Employers. Workers.

Country.	Name.	Nominated by:	Representing:
<i>Roumania.</i>	JANCOVICI, Dimitrie,	Government.	Employers. Workers.
	VOINESCU, Barvu,	Government.	
	CERCHEZ, Stefan,	I.L.O.	
	MAYER, Josif,	I.L.O.	
<i>South Africa.</i>	—	—	—
	—	—	—
	GEMMILL, W., CRAWFORD, A.,	I.L.O. I.L.O.	Employers. Workers.
<i>Spain.</i>	ORMAECHEA, Rafael Garcia,	Government.	Employers. Workers.
	OYUELOS, Ricardo,	Government.	
	SALA, A.,	I.L.O.	
	CABALLERO, Francisco Largo,	I.L.O.	
<i>Sweden.</i>	ELMQUIST, Gustaf Henning,	Government.	Employers. Workers.
	RIBBING, Sigurd,	Government.	
	HAY, B.,	I.L.O.	
	JOHANSSON, E.,	I.L.O.	
<i>Switzerland.</i>	MERZ, Léo,	Government.	Employers. Workers.
	RENAUD, Edgar,	Government.	
	SAVOYE, Baptiste,	I.L.O.	
	SCHURCH, Charles,	I.L.O.	
<i>Uruguay.</i>	BERNARDEZ, Manuel,	Government.	Employers. Workers.
	BLANCO, Dr. Juan Carlos,	Government.	
	ALVAREZ-LISTA, Dr. Ramon,	I.L.O.	
	DEBENE, Alejandro,	I.L.O.	
<i>Yugoslavia.</i>	—	—	—
	—	—	—
	YOVANOVITCH, Vasa V., KRISTAN, Etbin,	I.L.O. I.L.O.	Employers. Workers.

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

(CLASSIFICATION BY COUNTRIES.)

Assessors for Transit cases.	COUNTRY.	NAME.
	<i>Austria.</i>	SCHEIKL, Gustav RINALDINI, Théodore
	<i>Belgium.</i>	LAMALLE, V. U. PIERRARD, A.
	<i>Brazil.</i>	PERRETI, Medeiros Joao RIBEIRO, Edgard
	<i>Bulgaria.</i>	BOCHKOFF, Lubomir DINTCHEFF, Urdan
	<i>Chile.</i>	ALVAREZ, Alejandro AMUNATEGUI, Francisco Lira
	<i>China.</i>	SHU-CHE LIN-KAI
	<i>Colombia.</i>	—
	<i>Czechoslovakia.</i>	MUELLER, Bohuslav FIALA, Ctibor
	<i>Denmark.</i>	ANDERSEN, N. J. U. LILLELUND, C. F.
	<i>Finland.</i>	SNELLMAN, Karl WREDE, Gustav Oskar Axel (Baron)
	<i>France.</i>	SIBILLE, M. FONTANEILLES, P.
	<i>Great Britain.</i>	DENT, Sir Francis MANCE, Lieut.-Col. H. O.
	<i>Greece.</i>	PHOCAS, Démétrius VLANGHALI, Alexandre
	<i>Haiti.</i>	ADDOR, M.
	<i>Hungary.</i>	TOLNAY, Kornél de ¹ NEUMANN, Charles

¹ Communication from the Hungarian Government: To replace M. de Mátray, Elmer, deceased, the Hungarian Government appointed, on June 15th, 1929, M. Kornél de Tolnay, Secretary of State, President h. s. [of the Hungarian State Railways.

COUNTRY.	NAME.
<i>India.</i>	BARNES, Sir George Stapylton Low, Sir Charles Ernest
<i>Italy.</i>	CIAPPI, Anselmo MAURO, Francesco
<i>Japan.</i>	IZAWA, Michio TAKATORI, Yasutaro
<i>Latvia.</i>	ALBAT, G. PAULUKS, J.
<i>Lithuania.</i>	SIDZIKAUSKAS, Vanceslas SIMOLIUNAS, Jean
<i>Norway.</i>	RUUD, N. SMITH, G.
<i>Netherlands.</i>	ELIAS, Jonkheer P. EYSINGA, Jonkheer W. J. M. van
<i>Poland.</i>	TYSZYNSKI, M. Casimir WINIARSKI, Dr. Bohdan
<i>Roumania.</i>	PERIETZEANU, Alexandre POPESCU, Georges
<i>Spain.</i>	MACHIMBARRENA, Vicente PUIG DE LA BELLACASA, Narcise
<i>Sweden.</i>	GRANHOLM, A. M. ¹ MALM, C. G. O. ¹
<i>Switzerland.</i>	NIQUILLE SCHRAFL
<i>Uruguay.</i>	FERNANDEZ Y MEDINA, Benjamin GUANI, Alberto, Dr.

¹ Communication from the Swedish Government of January 10th, 1930: To replace MM. Hansen and Pegelow, deceased, the Swedish Government has nominated M. Granholm (Axel, Magnus), Director General of the State Railways, and M. Malm (Carl, Gösta, Oskar), Director General of the State hydraulic power system.

C.—GENERAL LIST OF ASSESSORS.

List in alphabetical order of assessors for Labour and Transit cases.	Name.	Country.	Labour or Transit.	Date of nomination.
	ADAMES, E.	Panama	Labour	Nov. 11th, 1921
	ADDOR, M.	Haiti	Transit	Nov. 26th, 1921
	ADLER, Em.	Austria	Labour	Nov. 11th, 1921
	ALBAT, G.	Latvia	Transit	Dec. 23rd, 1921
	ALVAREZ, A.	Chile	"	Dec. 10th, 1921
	ALVAREZ-LISTA, R.	Uruguay	Labour	Nov. 11th, 1921
	AMUNATEGUI, Fr.	Chile	Transit	Dec. 10th, 1921
	ANDERSEN, N. J. U.	Denmark	"	Jan. 6th, 1922
	BACKER, M. C.	Norway	Labour	Nov. 10th, 1921
	BALELLA, G.	Italy	"	Nov. 11th, 1921
	BARNES, G. S.	India	Transit	Oct. 12th, 1921
	BERG, P.	Norway	Labour	Nov. 10th, 1921
	BERGSOE, J. Fr.	Denmark	"	Jan. 6th, 1922
	BERNARDEZ, M.	Uruguay	"	Nov. 4th, 1921
	BEZERRA, A.	Brazil	"	June 12th, 1923
	BLANCO, J. C.	Uruguay	"	Nov. 4th, 1921
	BOCHKOFF, L.	Bulgaria	Transit	Dec. 23rd, 1921
	BOUROFF, I. D.	"	Labour	Nov. 11th, 1921
	CABALLERO, F. L.	Spain	"	Nov. 11th, 1921
	CERCHEZ, St.	Roumania	"	Nov. 11th, 1921
	CHAMBERLAIN, A. N.	Great Britain	"	Dec. 23rd, 1921
	CHOIDAS	Greece	"	Feb. 17th, 1922
	CHOUDHURI	India	"	Oct. 12th, 1921
	CIAPPI, A.	Italy	Transit	Nov. 15th, 1921
	CRAWFORD, A.	South Africa	Labour	Nov. 11th, 1921
	CUCINI, B.	Italy	"	March 16th, 1929
	DALLEMAGNE, G.	Belgium	"	Nov. 11th, 1921
	DANOFF, Gr.	Bulgaria	"	Nov. 11th, 1921
	DEBENE, A.	Uruguay	"	Nov. 11th, 1921
	DENNIS, F.	Haiti	"	Nov. 26th, 1921
	DENT, Fr.	Great Britain	Transit	Dec. 23rd, 1921
	DINTCHEFF, U.	Bulgaria	"	Dec. 23rd, 1921
	DUNCAN, A. R.	Great Britain	Labour	Nov. 11th, 1921
	DUTRA, I.	Brazil	"	June 12th, 1923
	ELIAS, P.	Netherlands	Transit	Dec. 2nd, 1921
	ELMQUIST, G. H.	Sweden	Labour	Nov. 25th, 1921
	EYSINGA, M. v.	Netherlands	Transit	Dec. 2nd, 1921

Name.	Country.	Labour or Transit.	Date of nomination.
FERNANDEZ Y MEDINA, B.	Uruguay	Transit	Nov. 4th, 1921
FIALA, C.	Czechoslova- kia	"	Nov. 27th, 1925
FIMMEN, E.	Netherlands	Labour	Nov. 11th, 1921
FONTANEILLES, E.	France	Transit	Nov. 7th, 1921
FRANCKE, E.	Czechoslova- kia	Labour	April 13th, 1922
GARCIA, E.	Bolivia	"	Nov. 11th, 1921
GEMMILL, W.	South Africa	"	Nov. 11th, 1921
GIBBONS, J.	Canada	"	Nov. 11th, 1921
GRANHOLM, A. M.	Sweden	Transit	Jan. 10th, 1930
GRASSMANN, P.	Germany	Labour	Nov. 11th, 1921
GUANI, Al.	Uruguay	Transit	Nov. 4th, 1921
HALLSTEN, G. O. I.	Finland	Labour	March 27th, 1922
HANSEN, J. A.	Denmark	"	Jan. 6th, 1922
HAY, B.	Sweden	"	Nov. 11th, 1921
HEDEBOL	Denmark	"	Nov. 11th, 1921
HOO-CHI-TSAI	China	"	Dec. 23rd, 1921
HOROWSKY, Z.	Czechoslova- kia	"	Nov. 15th, 1921
HUEBER, A.	Austria	"	Nov. 11th, 1921
IBANEZ, J.	Bolivia	"	Nov. 11th, 1921
IZAWA, M.	Japan	Transit	Nov. 4th, 1921
JANCOVICI, D.	Roumania	Labour	Dec. 12th, 1921
JASZAI, S.	Hungary	"	June 12th, 1923
JOHANSSON, E.	Sweden	"	Nov. 11th, 1921
JOSHI, N. M.	India	"	Nov. 11th, 1921
JULIN, A.	Belgium	"	Oct. 21st, 1921
KAISER, M.	Austria	"	Nov. 11th, 1921
KAWANISHI, J.	Japan	"	Nov. 4th, 1921
KAY, J. A.	India	"	Nov. 11th, 1921
KRISTAN, E.	Yugoslavia	"	Nov. 11th, 1921
KUMANIECKI, C. L.	Poland	"	Dec. 7th, 1921
LAMALLE, V. U.	Belgium	Transit	Nov. 12th, 1925
LAMBRINOPOULOS, T.	Greece	Labour	Nov. 11th, 1921
LEMARCHAND, M.	France	"	Nov. 11th, 1921
LIAN, O.	Norway	"	Nov. 11th, 1921

Name.	Country.	Labour or Transit.	Date of nomination.
LILLELUND, C. F.	Denmark	Transit	Jan. 6th, 1922
LIN KAI	China	"	Dec. 23rd, 1921
LOW, Ch. E.	India	Labour	Oct. 12th, 1921
LOW, Ch. E.	"	Transit	Oct. 12th, 1921
MACASSEY, L. L.	Great Britain	Labour	Dec. 23rd, 1921
MACHIMBARRENA, V.	Spain	Transit	Nov. 21st, 1921
MAHAIM, E.	Belgium	Labour	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	March 27th, 1922
MATSUMOTO, U.	Japan	"	Nov. 11th, 1921
MAURO, Fr.	Italy	Transit	Nov. 15th, 1921
MAYER, J.	Roumania	Labour	Nov. 11th, 1921
MAYER-MALLENAU, F.	Austria	"	Nov. 11th, 1921
MAYRISCH, E.	Luxemburg	"	Nov. 11th, 1921
MERTENS, C.	Belgium	"	Nov. 11th, 1921
MERZ, L.	Switzerland	"	Dec. 8th, 1921
MICELI, G.	Italy	"	Oct. 20th, 1928
MILAN, P.	France	"	Nov. 11th, 1921
MLYNARSKI, F.	Poland	"	Dec. 7th, 1921
MUELLER, B.	Czechoslova- kia	Transit	Nov. 15th, 1921
MUTO, S.	Japan	Labour	Nov. 11th, 1921
NEUMANN, Ch.	Hungary	Transit	May 4th, 1926
NICOLOFF, A.	Bulgaria	Labour	Jan. 2nd, 1922
NICOLTCHOFF, V.	"	"	Jan. 2nd, 1922
NIQUILLE	Switzerland	Transit	Jan. 6th, 1922
NOLENS, Mgr.	Netherlands	Labour	Nov. 23rd, 1921
ORMAECHEA, R. G.	Spain	"	Nov. 21st, 1921
OYUELOS, R.	"	"	Nov. 21st, 1921
PAASIVUORI, M.	Finland	"	Nov. 11th, 1921
PALMGREN, A.	"	"	Nov. 11th, 1921
PARSONS, S. R.	Canada	"	Nov. 11th, 1921
PAULUKS, J.	Latvia	Transit	Sept. 28th, 1925
PAUS, G.	Norway	Labour	Nov. 11th, 1921
PELLES, G. S.	Brazil	"	Dec. 24th, 1921
PERASSI, T.	Italy	"	Oct. 20th, 1928

Name.	Country.	Labour or Transit.	Date of nomination.
PEREIRA, M. C. G.	Brazil	Labour	Dec. 24th, 1921
PERIETZEANU, A.	Roumania	Transit	Nov. 24th, 1921
PERRETI, M. J.	Brazil	"	Dec. 24th, 1921
PHOCAS, D.	Greece	"	Dec. 23rd, 1921
PIERRARD, A.	Belgium	"	Nov. 12th, 1925
POPESCU, G.	Roumania	"	Nov. 24th, 1921
PUIG DE LA BEL- LACASA, N.	Spain	"	Nov. 21st, 1921
RAULINAITIS, Fr.	Lithuania	Labour	July 5th, 1922
RENAUD, Ed.	Switzerland	"	Dec. 8th, 1921
RESTREPO, A. J.	Colombia	"	—
RIBBING, S.	Sweden	"	Nov. 25th, 1921
RIBEIRO, Ed.	Brazil	Transit	Dec. 24th, 1921
RINALDINI, Th.	Austria	"	Nov. 14th, 1921
ROZE, Fr.	Latvia	Labour	Aug. 12th, 1926
RUUD, N.	Norway	Transit	Nov. 10th, 1921
SALA, A.	Spain	Labour	Nov. 11th, 1921
SAVOYE, B.	Switzerland	"	Nov. 11th, 1921
SCHEIKL, G.	Austria	Transit	Nov. 14th, 1921
SCHETTLE, M.	Luxemburg	Labour	Nov. 11th, 1921
SCHRAFL	Switzerland	Transit	Jan. 6th, 1922
SCHUMANS, V.	Latvia	Labour	Dec. 23rd, 1921
SCHURCH	Switzerland	"	Nov. 11th, 1921
SHU-CHE	China	Transit	Dec. 23rd, 1921
SIBILLE, M.	France	"	Nov. 7th, 1921
SIDZIKAUSKAS, V.	Lithuania	"	July 5th, 1922
SIMOLIUNAS, J.	"	"	July 5th, 1922
SLIZYS, Fr.	"	Labour	July 5th, 1922
SMITH, G.	Norway	Transit	Nov. 10th, 1921
SNELLMAN, K.	Finland	"	Oct. 29th, 1921
TAKATORI, Y.	Japan	"	Nov. 4th, 1921
TAYERLE, R.	Czechoslova- kia	Labour	Nov. 11th, 1921
TCHOU YIN	China	"	Dec. 23rd, 1921
THOMAS, J. H.	Great Britain	"	Nov. 11th, 1921
TOLNAY, K. de	Hungary	"	June 12th, 1923
" " " "	"	Transit	June 15th, 1929
TOTOMIS, M. D.	Greece	Labour	Feb. 17th, 1922
TYSZYNSKI, M. C.	Poland	Transit	Dec. 7th, 1921
URRUTIA, Fr.	Colombia	Labour	—

Name.	Country.	Labour or Transit.	Date of nomination.
VERKADE, A. E.	Netherlands	Labour	Nov. 11th, 1921
VESTESSEN, H.	Denmark	"	Nov. 11th, 1921
VICUÑA, M. R.	Chile	"	Dec. 10th, 1921
VLANGHALI, Al.	Greece	Transit	Dec. 23rd, 1921
VOGEL	Germany	Labour	March 16th, 1929
VOINESCU, B.	Roumania	"	Dec. 12th, 1921
VOOYS, J. P. de	Netherlands	"	Nov. 23rd, 1921
WALDES, H.	Czechoslova- kia	"	Nov. 11th, 1921
WINIARSKI, B.	Poland	Transit	Dec. 7th, 1921
WREDE, G. O. A.	Finland	"	Oct. 29th, 1921
YOSHIZAKA, Sh.	Japan	Labour	Nov. 4th, 1921
YOVANOVITCH, V.	Yugoslavia	"	Nov. 11th, 1921
ZAGLENICZNY, J.	Poland	"	Nov. 11th, 1921
ZANNOS, M.	Greece	"	Nov. 11th, 1921
ZUBIETA, J. A.	Panama	"	Nov. 11th, 1921
ZULAWSKI, S.	Poland	"	Nov. 11th, 1921

(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.

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).

II.

THE REGISTRAR.

(See First Annual Report, p. 79.)

Present holder of the post :

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

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

The Court appointed as its Deputy-Registrar, on January 1st, 1929, M. JULIO LÓPEZ OLIVÁN, Counsellor of Legation of His Catholic Majesty.

III.

THE REGISTRY.

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

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

Name.	Date of appointment.	Nationality.
<i>Deputy-Registrar :</i>		
M. J. López Oliván	January 1st, 1929	Spanish
<i>Editing Secretaries :</i>		
M. J. Garnier-Coignet, Secretary to the Presidency	March 1st, 1922	French
Mr. C. Hardy	June 1st, 1922	British
M. T. M. A. d'Honincthun	January 1st, 1925	French
Mr. G. de Janasz	January 1st, 1928	British
<i>Private Secretaries :</i>		
Miss M. Recañó	March 1st, 1922	British
Mme F. Beclaerts van Blokland	March 1st, 1922	Dutch
Mlle L. Brunetti	(temporary)	Italian
<i>Establishment :</i>		
M. D. J. Bruinsma, Accountant-Establishment Officer, Head of Department	August 1st, 1922	Dutch
<i>Printing Department :</i>		
M. M. J. Tercier, Head of Department	May 19th, 1924	Swiss
<i>Archives :</i>		
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	(temporary)	Dutch
<i>Shorthand, typewriting and roneo-graphing Department :</i>		
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	"
Mlle Sloutzky	(temporary)	Belgian
<i>Messengers :</i>		
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	"

By a Resolution taken on September 26th, 1928, the Ninth Assembly of the League of Nations instructed the competent officials of the autonomous organizations of the League—the General Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice—to consider what steps could be taken to ensure, in the future as in the past, the best possible administrative results, and to submit the results of this enquiry to the Supervisory Commission in order that a report on the question might be submitted to the Assembly at its session in 1929.

“Administra-
tive results.”

The complexity of the problem however prevented the Supervisory Commission completing this task within the time fixed. The Tenth Assembly then decided, on September 23rd, 1929, to appoint a special committee to conduct this enquiry and to make a report in time for submission to the governments before the Eleventh Assembly (September 1930). This Committee, which consisted of thirteen members¹ and at the meetings of which the Secretary-General of the League of Nations, the Director of the International Labour Organization and the Registrar of the Permanent Court of International Justice or their representatives were present, held its first session from January 28th to February 7th, 1930, and a second session from June 16th to 29th, 1930. The Committee in its report recommends the adoption by the Assembly of certain general conclusions applicable to the three great international organizations alike—and relating, amongst other things, to the obligations of officials, the duration of engagements, the categories of officials, contact between each official and his own country, the organization of the higher directing staff, the recruiting of officials with due regard to capacity and nationality, etc.—and devotes separate chapters to the adaptation of the recommendations to the special needs of the International Labour Organization and Registry.

The section relating to the Registry is as follows²:

¹ The Assembly Resolution of September 23rd, 1929, was to the effect that the Committee should consist of nine members; the number was increased to thirteen by a Resolution of September 24th, 1929.

² Report of the Committee, Part III, Chapter 2 (Document A. 16. 1930).

"Adaptation of the proposed measures to the organization of the Registry of the Permanent Court of International Justice."

The position of the staff of the Registry of the Court is not precisely similar to that of the Secretariat or of the International Labour Office. The Registry consists of a very small number of officials, so that the principle of the fair distribution of nationalities cannot be applied in the same manner. Moreover, the Court, whose work is essentially different from that of the great organizations at Geneva, is still only in the first phase of its development. Nor does it appear that any criticisms have been made in regard to the present working of the Court's services.

The Committee was satisfied, however, and the Registrar of the Court agreed, that its proposals in regard to the Secretariat could be adapted, in their main features, to the services of the Permanent Court of International Justice.

On the other hand, it was bound to recognize that the competent authorities must be allowed the utmost latitude as regards the manner of their application. Moreover, when the Registry of the Court was being organized in 1922, it was agreed that the Regulations for its staff should be limited to a very few provisions, and that the Registrar should be free to supply any deficiencies by applying the rules in force in the Secretariat and the International Labour Office. The Committee thinks that this practice might well be continued. It therefore recommends that Regulations of a very general character should be drawn up for the staff of the Registry, on the basis of those at present in force, regard being paid in the fullest possible measure to the principles adopted for the Secretariat.

As regards the higher staff, the Rules of the Court provide that the Registrar and the Deputy-Registrar should be re-eligible. The Court has ruled that the only object of limiting these appointments to seven years was to allow it an opportunity of not renewing them at the expiry of those periods, but that the essential principle applicable to the higher officials of the Court was that of permanence.

As regards other officials of the Registry, the rule should be that of seven-year contracts, automatically renewable for further periods of seven years, until the attainment of the age-limit.

As regards salaries, the Committee considers that the Registrar should receive a salary equivalent to that of an Under-Secretary-General, namely, from 55,000 to 75,000 francs. To this should be added, on the principle of assimilation, entertainment allowance equivalent to that of an Under-Secretary-General, namely, 12,500 francs, if the Court should express a desire to that effect.

The Deputy-Registrar should be graded, for salary, in the same way as a Chief of Section in the Secretariat.

As regards other categories of the staff, the Regulations adopted for the Secretariat of the League should be applied to the fullest extent possible. The Committee noted that the Regulations for the staff of the Registry have to be ‘adopted by the President, on the proposal of the Registrar, subject to subsequent approval by the Court’. Without prejudice to the exercise of this prerogative, the measures here proposed could be adopted, in their general lines, in the Regulations for the staff of the Registry.”

In the course of the discussion leading up to the adoption of the report from which the above section is taken, the Registrar of the Court laid before the Committee his views with regard to the adaptation to the Registry of the principles laid down by the Committee. In one of his statements the Registrar strongly urged in particular that it should be possible for officials of the Court to be transferred—being given preference in the case of equal qualifications—to posts at Geneva, the only means open to them of obtaining promotion within the framework of the League; and also that any period of duty completed in any of the three autonomous organizations should be taken into full account from the point of view of seniority, if the person concerned were subsequently transferred to another organization, this being a mere act of justice.

The discussion upon this point was terminated by an observation by the Chairman to the effect that members of the Committee had agreed on the different suggestions put forward by M. Hammarskjöld.

As a result of the discussions, these suggestions were embodied in a draft report adopted on June 28th, 1930, but they no longer appear in the final text of the report. Nevertheless it appears from the following telegrams exchanged between the Registrar of the Court and the Chairman of the Committee that these suggestions may be regarded as definitely approved:

The Registrar of the Court to the Chairman of the Committee (telegram).

“Have just received revised draft report dated June 28th numbered thirty-three one *stop* Observe that fourth part chapter two of said draft has undergone considerable modifications as compared with corresponding chapter of previous draft *stop* Apart from all improvements of drafting these modifications seem to include several amendments of principle of which three following are of

essential importance, namely deletion firstly of mention of Statute Article thirty-two¹ and Rules Article twenty-two² concerning right of Court itself to organize its services, secondly, of express mention of preferential right of officials of Registry to obtain vacant posts Geneva, thirdly, of mention of right to reckon years of service in the three organizations for purposes of promotion and pensions *stop* Being informed that text is henceforward *ne varietur* very respectfully request you confirm that by these deletions it is not intention of Committee to reverse attitude adopted by it morning of Wednesday June 25th and recorded in chapter twelve formally adopted morning of Saturday June 28th immediately before my departure from Geneva.—HAMMARSKJÖLD.”

The Chairman of the Committee to the Registrar of the Court (telegram).

“Your telegram received *stop* Have pleasure in confirming that notwithstanding modifications made in final text Committee maintains attitude adopted in your presence on three points mentioned.—SOKAL.”

Pensions for
officials of
Registry.

In its report the Committee also recommends the introduction of a pensions' system for officials of the autonomous organizations. This system will be applicable³

(a) to all local and international officials of the Secretariat of the League of Nations, the International Labour Office and the Permanent Court of International Justice:

- (1) appointed for life;
- (2) appointed for at least seven years;
- (3) now serving, and having performed seven years' uninterrupted service in one of the organizations of the League, though appointed for a period of less than seven years.

(b) The principal officers of the Secretariat, the International Labour Office, and the Registry of the Permanent Court of Inter-

¹ Article 32 of the Court's Statute contains the following provision: “The salary of the Registrar shall be decided by the Council upon the proposal of the Court.”

² Article 22 runs as follows: “The Court shall determine or modify the organization of the Registry upon proposals submitted by the Registrar. On the proposal of the Registrar or Deputy-Registrar, as the case may be, the Court, or, if it is not in session, the President, shall appoint the official of the Registry who is to act as substitute for the Registrar, should both the Registrar and Deputy-Registrar be unable to be present, or, should both appointments be vacant at the same time, until a successor to the Registrar has been appointed.”

³ Report of the Committee—Part IV, No. II (Document A. 16. 1930).

national Justice¹, who fulfil any of the three above-mentioned conditions, will be free to choose between becoming members of the new Pensions Fund and taking out an insurance policy with a private company; in the latter case, the League will pay a premium not exceeding the contribution it would have paid to the Pensions Fund on behalf of the official in question.

(c) Officials now members of the Provident Fund may elect to continue to participate in the Fund, under the present conditions, in place of adhering to the proposed system. They will be asked to choose between the two systems within one year from the coming into force of the new pensions scheme.

The Committee's report lays down as follows the general principles of the pensions' system which it recommends; in the determination of these principles it has asked the advice of actuaries:

"A.—Old Age Pensions.

(a) The superannuation age should be fixed at 60 years. Some members of the Committee were inclined to the opinion that an earlier age of retirement was desirable, especially for women; but, owing to the heavy increase in cost² they did not press their views.

The maximum pension should be obtainable by officials fulfilling the following conditions:

Having attained the age of 60,

Having served for 25 years.

This maximum pension would be equivalent to 50 per cent. of the official's average salary during the last three years of his service;

(b) If the official retires before he reaches the age of 60 years, but after 25 years of service, he should be given the option of taking an immediate pension, calculated on the basis of the actual length of his service, and discounted according to the difference between the superannuation age (60 years) and the age at retirement, or of deferring his pension until he reaches the age of 60. The discount rate will be worked out by the actuarial methods normally employed in such cases.

(c) If the official reaches the age of 60 and has not served for 25 years, or if he gives up his appointment before having served for 25 years and before reaching the age of 60, he will

¹ In the Registry of the Court, as now organized, only the Deputy-Registrar comes under this provision. The Registrar has become entitled to a retiring pension under the Regulations concerning the "Grant of Pensions to Judges and the Registrar of the Permanent Court of International Justice, dated September 30th, 1924".

² If the superannuation age were fixed at 55, this would involve an increase of 20 per cent. of the cost.

receive from the Pensions Fund a lump sum or a pension on the scale set forth in the following table :

If he has served for less than three years	Nil.
If he has served for a period between three and ten years	The sum of the official's and the League's contributions, with simple interest.
If he has served for upwards of ten years	A choice between a lump sum, a proportionate pension, and a deferred pension.

It was agreed, after a very full discussion, that no distinction should be made between voluntary resignations and terminations of appointment by the competent authority. The Committee was, however, of opinion that the disciplinary measures provided for under Article 64 of the Regulations should include the withdrawal of the right to a pension.

B.—*Invalidity Pensions.*

An official incapacitated by sickness should become entitled to the same pension which he would have received had he continued to serve in the League until the age of 60, taking as a basis the salary he was drawing at the date of invalidity. Such cases of invalidity must be certified by a Medical Board.

No invalidity pension will, however, be awarded in the case of an official who has not served at least two years.

No distinction should be made on the ground of the cause of invalidity: the pension will be accorded whether the sickness was due to service or to other causes.

In case of partial invalidity the benefits will be reduced; such reduction will not be strictly proportional, but will be made by a series of steps.

C.—*Pensions for the surviving consort and orphans.*

In case of an official's death, pensions will be provided for the surviving consort and for dependent children. The amount of the pension for the surviving consort will be fixed at 50 per cent. of the 'lump sum' or pension to which the official would have been entitled had he retired at the moment when, in point of fact, he died; or, if he had already retired, of the pension which he was actually receiving.

As the amount payable to an official on retirement during the first ten years of service would be very small, and during the first three years nothing at all, the Committee thinks it desirable that

the surviving consort's pension should be proportionately greater during this early period of the official's career.

An additional allowance should be granted to a surviving consort who has children by a marriage with the official. A pension or 'lump sum', in proportion to the surviving consort's pension, should be granted to orphans.

Detailed regulations giving effect to these general principles should be included in the Statute and in the Rules of the Fund."

The Committee adds in the last place that the funds necessary for the pensions scheme should be provided by contributions from the officials and from the League, these twofold contributions to continue to be paid during the officials' entire period of service, and that the new scheme might be brought into force on January 1st, 1931.

* * *

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

For 1930, the Administrative Tribunal of the League of Nations is composed as follows:

The Administrative Tribunal of the League of Nations.

Judges :

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

Deputy-Judges :

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

IV.

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

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

On August 28th, 1929, M. Mironesco, Roumanian Minister for Foreign Affairs, sent the following letter to the President of the Court :

"I have the honour to inform Your Excellency that the Roumanian Government, being anxious to define the meaning and scope of the provisions contained in Article 19 of the Court's Statute respecting diplomatic privileges and immunities, accepts the same interpretation as that given by the agreement concluded on May 28th, 1928, between the Court and the Dutch Government, through the instrumentality of the Council of the League of Nations, of which Roumania is a member, and concerning the diplomatic privileges and immunities of members of the Court and of the Registrar¹.

Accordingly : (a) In relation to all Roumanian authorities, whether in Roumania or abroad, the precedence of members of the Court of other than Roumanian nationality shall be determined as though they were envoys extraordinary and ministers plenipotentiary accredited to H.M. the King, and, as regards the member of the Court of Roumanian nationality, he will be regarded as a Roumanian minister plenipotentiary. (b) The diplomatic privileges and immunities which members of the Court enjoy under Article 19 of the Court's Statute are those which, generally speaking, are accorded to heads of missions accredited to H.M. the King of Roumania."

The text of this letter was communicated by its writer to the Secretary-General of the League of Nations, with a request that it should be distributed to Members of the Council of the League of Nations.

V.

PREMISES.

(See First Annual Report, pp. 104-119, Second Annual Report, pp. 42-43, Fourth Annual Report, pp. 63-70, and Fifth Annual Report, pp. 78-80.)

The work carried out in the Peace Palace at The Hague, with a view to enabling each judge on the bench to have a separate office, has been described in the Annual Reports. On September 25th, 1929, Marquis Paulucci di Calboli Barone, Under-Secretary-General of the League of Nations in charge of internal administration, sent to M. Cort van der Linden,

¹ See Fourth Annual Report, pp. 57 *et seq.*

President of the Board of Directors of the Carnegie Foundation, a letter containing the following paragraph :

“In view of the possible modifications in the composition of the Court which may take effect on January 1st, 1931¹, the Board of Management may possibly find it worth their while considering, some time in advance, whether arrangements can be made to allot to the Court additional premises as from the date above mentioned.”

On April 15th, 1930, the President of the Board of Directors replied that it would be very difficult to effect a further enlargement of the Peace Palace, but that the Board of Directors would nevertheless consider the possibility if precise data were furnished them as to the number of additional rooms, their size and the purpose for which they were intended.

On May 10th, the Secretary-General of the League of Nations informed M. Cort van der Linden what the immediate needs of the Court were, according to information furnished by the Registrar. On June 7th, the President of the Board of Directors replied that the Board was fully prepared to consider the possibility of increasing the number of rooms to be given to the Court and had begun the necessary negotiations to this end. Marquis Paulucci di Calboli Barone acknowledged receipt of this letter on June 14th.

* * *

On August 16th, 1929, the Permanent Court of International Justice adopted the following resolution, which was communicated to the Secretary-General of the League of Nations by letter dated September 7th, 1929 :

“The Court,

Having regard to the letter from the Registrar to the Secretary-General of the League of Nations, dated April 23rd, 1929, copy of which was transmitted to members as an annex to the General Agenda for the XVIth and XVIIth Sessions ;

Having regard to the Registrar's statement on the work of the 32nd session of the Supervisory Commission, to be found in No. 143/145 of the Confidential Bulletin of the Court ;

Considering that the following passage in the said letter exactly expresses the Court's views on the subject :

¹ See pp. 56-98 for the revision of the Statute of the Court.

'The Court has realized for some time past that the Peace Palace Library does not, as at present constituted and organized, afford the instrument of work which the Court requires. The lacunæ in the Library are very considerable, more especially as regards law other than international law properly so-called, and a definite desire has been expressed on the part of the Court that the Library should obtain at all events the works which are authoritative in the various countries and relating to the law of such countries. On the other hand, no wish has been expressed that the Library should at once procure a complete collection of the legislation and jurisprudence of the various countries, for, however desirable a development in this direction might be, it would not for the moment be *indispensable* to the Court's work';

Considering that the Budget of the Court has since 1925 contained an Article 4 (*b*) in Chapter II entitled 'Contribution to the Carnegie Foundation; supplementary credit contemplated in Article VI of the Contract'; and that, under the terms of the said Contract, this credit must primarily be used in such a way as to allot 'an entirely adequate sum' for bringing and keeping up-to-date the Library installed in the Peace Palace',

Approves the action taken in the matter by the Registrar both with the Secretary-General and before the Supervisory Commission, which action led to the declarations made by the Secretary-General before the Supervisory Commission which will express its opinion in sufficient time to enable the Assembly to take action during its Xth Session;

Expresses again the wish that the Library of the Peace Palace may, for the purpose of completing its collections in the manner required by the interests of the Court and of making the best use of its existing collections, receive the whole or at least the greater part of the additional contribution of Fl. 19,000 referred to in Article VI of the Contract and Article 4 (*b*) of the Budget;

Authorizes the Registrar to supply the competent organs of the League of Nations, if the need arise, with all necessary information."

Following the adoption of this resolution, negotiations were begun between the Board of Directors of the Carnegie Foundation at The Hague and the League of Nations. On May 3rd, 1930, the Secretary-General informed the Board of Directors that after consultation with the Supervisory Commission he had come to the following conclusion: unless the Board could see its way to arrange for the future of the Library in a manner satisfying to the needs felt by the Court—and in this respect the terms of Article 9 of the Agreement concerning the

establishment of the Court at the Peace Palace¹ should be taken into full consideration—there was no other solution except to request the Assembly to vote an additional item to enable the Court itself to make the necessary purchases. The Board was also asked to be good enough to make its reply in regard to this point before August 1st.

On May 19th, 1930, the President of the Board of Directors replied that, in six months, the Library, as the result of steps taken by it and of purchases, had increased its collection by thirty works relating to law other than international law. It had no need of a special grant to “have regard as far as possible to the Court’s desire with regard to works relating to law other than international law properly so-called”, for the funds necessary for this purpose would be obtained by limiting other purchases. If, however, the League of Nations desired to make a grant which would relieve the Foundation from the necessity of limiting itself in other directions, the Foundation would be very glad to accept this valued assistance.

¹ This article contains the two following paragraphs:

“The existing Library shall be kept [carefully] up-to-date and shall be added to so far as may be necessary. The Foundation will favourably receive any suggestion in this connection made by the Court or its members.

The Secretary-General expresses the hope that, in view of the obligations which he has assumed under the terms of No. VI above, a fully adequate sum will be appropriated by the Foundation to bringing and keeping up-to-date the Library installed in the Peace Palace.”

CHAPTER II.

THE STATUTE AND RULES OF COURT.

I.

THE STATUTE.

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

On June 15th, 1930, fifty-five States or Members of the League of Nations had signed the Protocol of Signature of the Statute, dated Geneva, December 16th, 1920, drawn up in accordance with the Assembly decision of December 13th, 1920, and which remains open for signature by the States mentioned in the Annex to the Covenant¹. The signatory States are:

Albania	China
America (United States of—) ²	Colombia
Australia	Costa Rica ³
Austria	Cuba
Belgium	Czechoslovakia
Bolivia	Denmark
Brazil	Dominican Republic
Bulgaria	Esthonia
Canada	Ethiopia
Chile	Finland

¹ The States mentioned in the Annex to the Covenant of the League of Nations and which, on June 15th, 1930, had not signed the Protocol of Signature of the Statute, are: Ecuador, the Hedjaz, Honduras and the Argentine.

² See p. 149 for an account of the facts in regard to the signature of the Protocol by the United States of America.

³ 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.

France	Norway
Germany	Panama
Great Britain	Paraguay
Greece	Persia
Guatemala	Peru
Haiti	Poland
Hungary	Portugal
India	Roumania
Irish Free State	Salvador
Italy	Siam
Japan	South Africa
Latvia	Spain
Liberia	Sweden
Lithuania	Switzerland
Luxemburg	Uruguay
Netherlands	Venezuela
New Zealand	Yugoslavia.
Nicaragua	

Ratifications. All the above States have ratified except :

America (United States of—)	Luxemburg
Bolivia	Nicaragua
Colombia	Paraguay
Costa Rica	Peru
Dominican Republic	Persia
Guatemala	Salvador.
Liberia	

* * *

Revision of
Statute.

On September 20th, 1928, the Ninth Assembly adopted the following Resolution :

“The Assembly,
Considering the ever-increasing number of matters referred to the Permanent Court of International Justice ;
Deeming it advisable that, before the renewal of the term of office of the members of the Court in 1930, the present provisions of the Statute of the Court should be examined with a view to the introduction of any amendments which experience may show to be necessary ;

Draws the Council's attention to the advisability of proceeding, before the renewal of the term of office of the members of the Permanent Court of International Justice, to the examination of the Statute of the Court with a view to the introduction of such amendments as may be judged desirable, and to submitting the necessary proposals to the next ordinary session of the Assembly."

In pursuance of this Resolution, the Council, at its Fifty-third Session, adopted on December 13th, 1928, a report made by M. Scialoja (Italy) according to which a small Committee of Jurists was to be appointed to make a preliminary study of the question. According to this report, the Committee was to have wide terms of reference, namely, to report what amendments appeared desirable in the various provisions of the Court's Statute. It would be competent to examine such suggestions as might reach it during its work from authoritative sources. Further, it would fall to the Committee to ascertain the opinion of the Permanent Court of International Justice as regards the functioning of the Court¹.

On December 14th, 1928, the Council decided that the Committee should be composed as follows: MM. van Eysinga (Netherlands), Fromageot (France), Gaus (Germany), Sir Cecil Hurst (Great Britain), MM. Ito (Japan), Politis (Greece), Raestad (Norway), Rundstein (Poland), Scialoja (Italy), Urrutia (Colombia). The Council also entrusted its President and rapporteur with the appointment of a jurist of the United States of America: Mr. Elihu Root, former Secretary of State of the United States of America, was subsequently appointed. Lastly, the Council invited MM. Anzilotti and Huber, President and Vice-President of the Court, to participate in the work of the Committee; MM. Anzilotti and Huber accepted the Council's invitation², after consulting their colleagues as to the advisability of so doing.

M. Pilotti (Italy) was added to the Committee by decision of the Council on March 9th, 1929; on the same occasion,

¹ On March 9th, 1929, at its Fifty-fourth Session, the Council of the League of Nations extended the scope of the task entrusted to the Committee by instructing it to examine the existing solution with regard to the adherence of the United States of America to the Protocol of Signature of the Court's Statute. See pp. 149-170 of this volume.

² They were accompanied by M. Hammarskjöld, Registrar of the Court.

M. Osusky, President of the Supervisory Commission, was also invited to assist at its proceedings.

The Committee met at Geneva from March 11th to 19th, 1929. At the opening of its proceedings, M. Anzilotti made the following statement:

"Before we take up the work that has been entrusted to this Committee, I think that I ought to explain in a few words the conditions in which my colleague, M. Huber, and myself will take part in your work.

On December 14th, 1928, the Council of the League adopted a resolution under which it invited us to take part *inter alia* in the work of the Committee set up to report 'what amendments appeared desirable in the various provisions of the Court's Statute'. These terms of reference were amplified the other day to include the consideration 'of the present situation as regards the accession of the United States of America to the Protocol of Signature of the Statute'.

We are glad to be able to accept this invitation, since our presence will enable the Committee in its proceedings to take into account such experience as we have acquired, as successive Presidents of the Court, of the practical value of the Statute which was adopted in 1920 after careful and exhaustive preparation.

Our attendance, however, should not be regarded as implying that we are of the opinion that a revision of the Statute is necessary. It is true that in many respects a system other than that which was set up by the Statute might obviously be considered, but in view of the actual terms of the report relative to the Resolution adopted by the Assembly of the League on September 20th, 1928, it is not a reform of this kind that is at present under consideration. All that is to be done is to re-examine the Statute with the object of correcting certain imperfections which may have come to light as a result of experience. It would appear to us to be certain that the majority of these imperfections might be overcome within the limits of the Statute as it was drafted in 1920 either by means of concurrent decisions by the Council and the Assembly or by the exercise by the Court itself of its regular powers. In this connection, I should like incidentally to take note of the declaration made to the Assembly by the Rapporteur, according to which 'the Committee agreed unanimously in the first place that it could not interfere in any way in the question of the Rules of the Court. That is a matter for the Court itself and the Rules cannot be affected by any examination of the Statute.'

Nevertheless, the work of the examination of the Statute with a view to its revision having been initiated, we think it our duty, not only to give information on points of fact and to state our

opinion on any proposals that may be made from other sources, but also, if necessary, to propose ourselves certain amendments.

Our proposals, however, should not be regarded as emanating from the Court itself. On the contrary, I must, in concluding, state that the members of the Court have not failed to attach great importance to the sentence which was inserted in the report adopted by the Council on December 13th last, and under which it would fall to the Committee to ascertain the opinion of the Permanent Court of International Justice in respect of the working of the Court."

The Committee prepared two reports and a draft protocol. The draft protocol and one of the two reports relate to the adherence of the United States of America to the Protocol of Signature of the Court's Statute, subject to five reservations made by the Senate of the United States in its Resolution of January 27th, 1926¹.

The other report, which was adopted in its final form on March 19th, 1929, concerns the revision of the Court's Statute. The Committee proposes that the Assembly should make the following amendments in the Statute²:

NEW ARTICLE 3.

The Court shall consist of fifteen members.

NEW ARTICLE 8.

The Assembly and the Council shall proceed independently of one another to elect the members of the Court.

NEW ARTICLE 13.

The members of the Court shall be elected for nine years. They may be re-elected.

They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

¹ The draft protocol is reproduced in the *Fifth Annual Report*, pp. 145 *et seq.*, as also an extract from the report. See p. 149 of this volume for an account of the events following upon the deliberations of the Committee.

² On pp. 77-84 of the *Fifth Annual Report* (French edition) are reproduced the texts *proposed* in the draft report submitted to the Committee by MM. Fromageot and Politis. In the present volume are reproduced the texts finally *adopted* by the Committee which differ in regard to several points from the proposed texts.

In the case of the resignation of a member of the Court, the resignation will be addressed to the President of the Court for transmission to the Secretary-General of the League of Nations.

This notification makes the place vacant.

NEW ARTICLE 14.

Vacancies which may occur shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General of the League of Nations shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Council at its next session.

NEW ARTICLE 15.

A member of the Court elected to replace a member whose period of appointment has not expired, will hold the appointment for the remainder of his predecessor's term.

NEW ARTICLE 16.

The members of the Court may not exercise any political or administrative function, nor engage in any other occupation of a professional nature.

Any doubt on this point is settled by the decision of the Court.

NEW ARTICLE 17.

No member of the Court may act as agent, counsel or advocate in any case of an international nature.

No member may participate in the decision of any case in which he has previously taken an active part as agent, counsel or advocate for one of the contesting parties, or as a member of a national or international Court, or of a commission of enquiry, or in any other capacity.

Any doubt on this point is settled by the decision of the Court.

NEW ARTICLE 23.

The Court shall remain permanently in session except during the judicial vacations, the dates and duration of which shall be fixed by the Court at the end of each year for the following year.

Members of the Court whose homes are situated at more than five days' normal journey from The Hague shall be entitled, apart from the judicial vacations, to six months' leave every three years.

Members of the Court shall be bound, unless they are on regular leave or prevented from attending by illness or other serious reason duly explained to the President, to hold themselves permanently at the disposal of the Court.

NEW ARTICLE 25.

The full Court shall sit except when it is expressly provided otherwise.

Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

Provided always that a quorum of nine judges shall suffice to constitute the Court.

NEW ARTICLE 26.

Labour cases, particularly cases referred to in Part XIII (Labour) of the Treaty of Versailles and the corresponding portions of the other treaties of peace, shall be heard and determined by the Court under the following conditions :

The Court will appoint every three years a special Chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this Chamber. In the absence of any such demand, the full Court will sit. In both cases, the judges will be assisted by four technical assessors sitting with them, but without the right to vote, and chosen with a view to ensuring a just representation of the competing interests.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under Article 30 from a list of "Assessors for Labour Cases" composed of two persons nominated by each Member of the League of Nations and an equivalent number nominated by the Governing Body of the Labour Office. The Governing Body will nominate, as to one-half, representatives of the workers, and, as to one-half, representatives of employers from the list referred to in Article 412 of the Treaty of Versailles and the corresponding articles of the other treaties of peace.

Recourse may always be had to the summary procedure provided for in Article 29, in the cases referred to in the first paragraph of the present article, if the parties so request.

In Labour cases, the International Office shall be at liberty to furnish the Court with all relevant information, and for this purpose the Director of that Office shall receive copies of all the written proceedings.

NEW ARTICLE 27.

Cases relating to transit and communications, particularly cases referred to in Part XII (Ports, Waterways and Railways) of the

Treaty of Versailles and the corresponding portions of the other treaties of peace, shall be heard and determined by the Court under the following conditions:

The Court will appoint every three years a special Chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In addition two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this Chamber. In the absence of any such demand, the full Court will sit. When desired by the parties or decided by the Court, the judges will be assisted by four technical assessors sitting with them, but without the right to vote.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under Article 30 from a list of "Assessors for Transit and Communications Cases" composed of two persons nominated by each Member of the League of Nations.

Recourse may always be had to the summary procedure provided for in Article 29, in the cases referred to in the first paragraph of the present article, if the parties so request.

NEW ARTICLE 29.

With a view to the speedy despatch of business, the Court shall form annually a Chamber composed of five judges who, at the request of the contesting parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit.

NEW ARTICLE 31.

Judges of the nationality of each of the contesting parties shall retain their right to sit in the case before the Court.

If the Court includes upon the bench a judge of the nationality of one of the parties, the other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

If the Court includes upon the bench no judge of the nationality of the contesting parties, each of these parties may proceed to select a judge as provided in the preceding paragraph.

The present provision shall apply to the case of Articles 26, 27 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the Chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such or if they are unable to be present, to the judges specially appointed by the parties.

Should there be several parties in the same interest they shall, for the purpose of the preceding provisions, be reckoned as one

party only. Any doubt upon this point is settled by the decision of the Court.

Judges selected as laid down in paragraphs 2, 3 and 4 of this article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20 and 24 of this Statute. They shall take part in the decision on terms of complete equality with their colleagues.

NEW ARTICLE 32.

The members of the Court shall receive an annual salary.

The President shall receive a special annual allowance.

The Vice-President shall receive a special allowance for every day on which he acts as president.

The judges appointed under Article 31, other than members of the Court, shall receive an indemnity for each day on which they sit.

These salaries, allowances and indemnities shall be fixed by the Assembly of the League of Nations on the proposal of the Council. They may not be decreased during the term of office.

The salary of the Registrar shall be fixed by the Assembly on the proposal of the Court.

Regulations made by the Assembly shall fix the conditions under which retiring pensions¹ may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their travelling expenses¹ refunded.

The above salaries, indemnities and allowances shall be free of all taxation¹.

NEW ARTICLE 38, No. 4.

The amendment only affects the French text which is altered to read as follows :

4. Sous réserve de la disposition de l'article 59, les décisions judiciaires et la doctrine des publicistes les plus qualifiés des différentes nations, comme moyen auxiliaire de détermination des règles de droit.

NEW ARTICLE 39.

The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment will be delivered in French. If the parties agree that the case shall be conducted in English, the judgment will be delivered in English.

¹ See below for the two draft resolutions which the Committee proposes to the Assembly relating, on the one hand, to salaries, indemnities and allowances and, on the other hand, to pensions, as also an extract from the report of the Committee concerning these draft resolutions.

In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court will be given in French and English. In this case the Court will at the same time determine which of the two texts shall be considered as authoritative.

The Court may, at the request of any party, authorize a language other than French or English to be used.

NEW ARTICLE 40.

Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the contesting parties must be indicated.

The Registrar shall forthwith communicate the application to all concerned.

He shall also notify the Members of the League of Nations through the Secretary-General, and also any States entitled to appear before the Court.

NEW ARTICLE 45.

The amendment only affects the English text which is altered to read as follows :

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President ; if neither is able to preside, the senior judge shall preside.

Further, the Committee proposes the addition to the Statute of the following new articles relating to advisory procedure which transfer to the Statute the essential features of the provisions contained in Articles 72, 73 and 74 of the Rules of Court¹ :

NEW ARTICLE 65.

Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request, signed either by the President of the Assembly or the President of the Council of the League of Nations, or by the Secretary-General of the League under instructions from the Assembly or the Council.

The request shall contain an exact statement of the question upon which an opinion is required, and shall be accompanied by all documents likely to throw light upon the question.

¹ See the text of the Rules of Court, as amended on July 31st, 1926 (revision), and September 7th, 1927 (modification of Article 71—advisory procedure), in Volume No. 1 of Series D. of the Court's Publications, with addendum.

NEW ARTICLE 66.

1. The Registrar shall forthwith give notice of the request for an advisory opinion to the Members of the League of Nations, through the Secretary-General of the League, and to any States entitled to appear before the Court.

The Registrar shall also, by means of a special and direct communication, notify any Member of the League or State admitted to appear before the Court considered by the Court (or, should it not be sitting, by the President) as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time-limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

Should any State or Member referred to in the first paragraph have failed to receive the communication specified above, such State or Member may express a desire to submit a written statement, or to be heard; and the Court will decide.

2. States or Members having presented written or oral statements or both shall be admitted to comment on the statements made by other States or Members in the form, to the extent and within the time-limits which the Court or, should it not be sitting, the President shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to States or Members having submitted similar statements.

NEW ARTICLE 67.

The Court shall deliver its advisory opinions in open Court, notice having been given to the Secretary-General of the League of Nations and to the representatives of States and Members of the League immediately concerned.

NEW ARTICLE 68.

In the exercise of its advisory functions, the Court shall apply Articles 65, 66 and 67. It shall further be guided by the provisions of the preceding chapters of this Statute to the extent to which it recognizes them to be applicable to the case.

Next, with reference to Article 32 of the Statute which is to be amended as indicated above, the Committee submits to the Assembly two draft resolutions in regard to which its report contains the following:

“This regulation [the regulation governing the grant of pensions to ordinary judges and to the Registrar of the Permanent Court of International Justice, adopted by Resolution of the Assembly

on September 30th, 1924] will require revision; the Supervisory Commission will lay the matter before the Assembly, but on account of certain proposed amendments to the Statute of the Court, of which a brief summary was given at the head of this section, the Committee is of opinion that the Assembly's attention should be specially drawn to the desirability of redrafting paragraph 5 of Article 1 of the 1924 regulation in the terms indicated in the attached draft resolution as to pensions."

The draft resolutions are as follows:

Draft resolution concerning salaries.

In accordance with the provisions of Article 32 of the Statute, the Assembly of the League of Nations fixes the salaries, allowances and indemnities of the members and judges of the Permanent Court of International Justice as follows:

President:	Dutch florins.
Annual salary	45,000.—
Special indemnity	15,000.—
Vice-President:	
Annual salary	45,000.—
Allowance for each day on duty (100 × 100).	10,000.— (maximum)
Members:	
Annual salary	45,000.—
Judges referred to in Article 31 of the Statute:	
Indemnity for each day on duty	100.—
Allowance for each day of attendance	50.—

Draft resolution amending paragraph 5 of Article 1 of the Regulation regarding pensions.¹

The payment of a pension shall not begin until the person entitled to such pension has reached the age of 65. Should, however, the person entitled to a pension, before attaining that age, reach the end of his term of office without being re-elected, his pension may, by a decision of the Court, be made payable to him, in whole or part, as from the date on which his functions cease.

Finally, the Committee suggests the adoption by the Assembly of the following recommendation:

¹ See First Annual Report, p. 290.

"The Secretary-General, in issuing the invitations provided for in Article 5 of the Statute, will request the national groups to satisfy themselves that the candidates nominated by them possess recognized practical experience in international law and that they are at least able to read both the official languages of the Court and to speak one of them; he will recommend the groups to attach to each nomination a statement of the career of the person nominated showing that he possesses the required qualifications."

As regards the procedure for bringing into force the amendments proposed by the Committee, the report contains the following passage:

"If the Council approves the conclusions of the report, it will no doubt find it convenient to communicate them to the Members of the League of Nations and the States mentioned in the Annex to the Covenant and to transmit them to the Assembly; it would be desirable that, if the amendments secure general approval, the Protocol accepting them which must be concluded between the Parties which have ratified the 1920 Statute should be made in the course of next Assembly.

On this point, the Committee must call the attention of the Council to the necessity for taking appropriate measures to secure the entry into force of the amendments a sufficient time before the election of the members of the Court in September 1930, on account, more particularly, of the changes which are made in regard to the number of the members of the Court and the rules as to the occupations which are incompatible with membership."

* * *

At the final meeting of the Committee, the President of the Court made, on his own behalf and that of M. Huber, a statement, the following passages of which relate to the proceedings of the Committee in regard to the revision of the Statute:

"The second part of your proceedings was also devoted to perfecting the Court as an instrument of international justice, but from a different point of view. To what degree your endeavours in this domain have been crowned by success experience alone can show. It would in any case be premature to hazard an opinion on this subject at a time when the analysis and synthesis which you have undertaken in the past few days are scarcely concluded, when consequently we are not yet sufficiently far removed to be able to estimate the results; but it is at any rate possible to say now that, if the will to do good work, a sincere desire to reach results and an atmosphere of sympathy are powerful factors in success, there is every ground for thinking that you will have been

successful. I wish, therefore, on M. Huber's behalf and on my own, merely to pay a tribute to the great ability with which you have devoted yourselves to the achievement of your task and to thank you for the warm welcome which you have given to the part we have taken in your discussions.

I must, however, say one thing more. Anything we have said here, as I stated at the beginning of your proceedings, represents nothing but our own personal opinion and must in no way be held to express the views of the Court."

At the same meeting, the President of the Court referred to the report on the revision of the Statute adopted by the Council at its meeting on December 13th, 1928¹—in which it was laid down that it would be for the Committee to obtain the advice of the Court in regard to the manner in which it performed its duties—and made the following statement: As M. Huber and he had not taken part in the work of the Committee as official representatives of the Court, he thought that it would perhaps be in order to submit the draft revised Statute and the corresponding report to the Court in May, since the Court would meet during that month, while the Council would not meet till June.

In the course of the exchange of views which ensued, it was observed that the Council alone could decide whether the draft of the revised Statute should be submitted to the Court after it had been approved by the Council, and also that the Committee's terms of reference in no way bound it to submit its draft to the Court.

* * *

On June 12th, 1929 (second meeting of the Fifty-fifth Session), the Council of the League of Nations, on the report of the Italian representative, adopted the following Resolution:

"The Council adopts the considerations and suggestions put forward by its rapporteur. In view of the report which the Committee of Jurists has submitted to it on the question of the revision of the Statute of the Permanent Court of International Justice,

The Council decides:

¹ See above, p. 57.

1. To instruct the Secretary-General to communicate the report of the Committee to the Members of the League of Nations and to the States mentioned in the Annex to the Covenant.
2. To convoke a conference of States parties to the Statute of the Permanent Court of International Justice to meet at Geneva on Tuesday, September 10th, 1929¹, with a view to examining the amendments to the Statute and recommendations formulated by the Committee of Jurists.
3. To request the Supervisory Commission to present to the Assembly at its next ordinary session its opinion as to the measures proposed in paragraph 14² of the report of the Committee of Jurists."

In accordance with this Resolution, a Conference of representatives of States parties to the Statute of the Court was held at Geneva from September 4th to September 12th, 1929, over which Jonkheer W. J. M. van Eysinga (Netherlands) presided. With regard to the revision of the Court's Statute, the Conference (which also considered the adherence of the United States of America to the Court's Statute³) adopted the proposals of the Committee of Jurists of March 1929, with certain amendments; it also, on the proposal of the Brazilian delegate, modified Articles 4 and 35 of the Statute so as to enable any State which, though it had accepted the Statute, was not a Member of the League of Nations, to participate in the election of members of the Court. Lastly, in accordance with the suggestion of the Committee of Jurists, it adopted a recommendation concerning the nomination of candidates by the national groups and it drew up a draft protocol designed to put into force the amendments to the Statute. In a letter dated September 12th, 1929, and addressed to the President of the Tenth Assembly of the League of Nations and to the President of the Assembly's First Committee (the Tenth Assembly sat at Geneva from September 2nd to September 25th, 1929), the President of the Conference enumerates these results in the following terms:

¹ On June 15th, 1929 (fifth meeting of its 55th Session), the Council of the League of Nations decided to advance the date of the opening of the Conference to Wednesday, September 4th, 1929.

² This paragraph is devoted to the salary and pension of judges. See above, p. 66.

³ See p. 119 below.

“The new text of *Articles 3 and 8* has been adopted as proposed by the Committee of Jurists.

New text of *Article 13*. The last line is to read: ‘This *last* notification makes the place vacant.’

The new text of *Articles 14 and 15* has been adopted as proposed by the Committee of Jurists.

New text of *Article 16*. Adopted as proposed by the Jurists, on the understanding that the words ‘occupation of a professional nature’ are to be interpreted in the widest sense, i.e., cover, for example, such an activity as being director of a company.

New text of *Article 17*. Adopted as proposed by the Jurists, with the omission in the first paragraph of the words ‘of an international nature’.

New text of *Article 23*. Adopted as proposed by the Jurists with the following changes:

The words ‘at the end of each year for the following year’ at the end of the first paragraph are omitted.

In the second paragraph, the words ‘not including the time spent in travelling’ are added at the end of a paragraph.

The new text of *Articles 25, 26, 27, 29, 31, 32*, the change in the French text of *Article 38*, the new text of *Articles 39 and 40* and the change in the English text of *Article 45* are adopted as proposed by the Jurists.

The new Chapter IV of the Statute—Advisory Opinions—, new *Articles 65 to 68*, has been adopted in the following form:

New Article 65.

‘Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request, signed either by the President of the Assembly or the President of the Council of the League of Nations, or by the Secretary-General of the League under instructions from the Assembly or the Council.

The request shall contain an exact statement of the question upon which an opinion is required, and shall be accompanied by all documents likely to throw light upon the question.’

New Article 66.

‘1. The Registrar shall forthwith give notice of the request for an advisory opinion to the Members of the League of Nations, through the Secretary-General of the League, and to any States entitled to appear before the Court.

The Registrar shall also, by means of a special and direct communication, notify any Member of the League or State admitted to appear before the Court or international organization considered by the Court (or, should it not be sitting,

by the President) as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time-limit to be fixed by the President, written statements or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

Should any Member or State referred to in the first paragraph have failed to receive the communication specified above, such Member or State may express a desire to submit a written statement, or to be heard; and the Court will decide.

2. Members, States and organizations having presented written or oral statements, or both, shall be admitted to comment on the statements made by other Members, States or organizations, in the form, to the extent and within the time-limits which the Court or, should it not be sitting, the President shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to Members, States and organizations having submitted similar statements.'

New Article 67.

'The Court shall deliver its advisory opinions in open Court, notice having been given to the Secretary-General of the League of Nations and to the representatives of Members of the League, of States and of international organizations immediately concerned.'

New Article 68.

'In the exercise of its advisory functions, the Court shall further be guided by the provisions of the Statute which apply in contentious cases, to the extent to which it recognizes them to be applicable.'

The Conference associated itself with the following observations formulated in the course of its discussion with reference to the new Article 68:

'In contentious cases, where a decision has to be given, the procedure naturally involves hearing both parties; the two parties set out their arguments and observations, and the judges are thus provided with all the material necessary for reaching a conclusion. It must be the same in the case of advisory opinions.

When an advisory opinion is asked, it is really indispensable, if the opinion is to carry any weight, if it is to be truly useful, that, in the same manner as in a contentious case, all the material necessary for reaching a conclusion should be

placed before the person consulted; he requires to know the arguments of both parties.

This is the reason for providing that the procedure with regard to advisory opinions shall be the same as in contentious cases.'

As the result of the suggestion of the Brazilian delegate, the Conference has adopted amendments to Articles 4 and 35 of the Statute of the Court, as the result of which these articles will assume the following form:

New text of Article 4.

'The members of the Court shall be elected by the Assembly and by the Council from a list of persons nominated by the national groups in the Court of Arbitration, in accordance with the following provisions:

In the case of Members of the League of Nations not represented in the Permanent Court of Arbitration, the lists of candidates shall be drawn up by national groups appointed for this purpose by their governments under the same conditions as those prescribed for Members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

The conditions under which a State which has accepted the Statute of the Court, but is not a Member of the League of Nations, may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the Assembly on the proposal of the Council.'

New text of Article 35.

'The Court shall be open to the Members of the League and also to States mentioned in the Annex to the Covenant.

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

When a State which is not a Member of the League of Nations is a party to a dispute, the Court will fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such State is bearing a share of the expenses of the Court.'

In addition to the amendments proposed by the Jurists, the Conference considered their proposal for the adoption of a recommendation regarding the nomination of candidates by the national groups. On this subject it adopted the following resolution:

'The Conference recommends that, in accordance with the spirit of Articles 2 and 39 of the Statute of the Court, the candidates nominated by the national groups should possess recognized practical experience in international law and that they should be at least able to read both the official languages of the Court and to speak one of them; it also considers it desirable that to the nominations there should be attached a statement of the careers of the candidates justifying their candidature.

The Conference decides to transmit this recommendation to the Assembly of the League of Nations in order that eventually it may be brought by the Secretary-General to the knowledge of the national groups.'

For the purpose of bringing the amendments into force, the Conference has adopted the enclosed draft protocol¹, which will be completed by an annex setting out the text of the amendments in the manner shown in the skeleton annex attached to the draft².

The Conference associates itself with the following observations made by its Drafting Committee upon the draft protocol:

'As regards the special position of the United States, it may perhaps prevent misunderstanding if it is pointed out that three instruments relating to the Court will be presented for acceptance to that Power, namely:

The Protocol destined to satisfy the reservations attached by the United States Senate to the accession of the United States of America to the Statute of the Court; and

The Protocol of Signature of 1920;

The new Protocol relating to the amendment of the Statute.

There could, of course, be no question of the United States being a party to the unamended Statute while the other States concerned were parties to the Statute in its amended form; but the draft protocol relating to the amendment of the Statute is believed to safeguard entirely the situation of the United States with regard to the amendments (see paragraph 7 of the Protocol); and, while it is, of course, not within the province of the Drafting Committee or the Conference to anticipate what procedure the United States may follow, it may be hoped that the United States will in due course sign and ratify all three above-mentioned instruments. It would, in fact, be possible for the United States at the moment when it signs the Protocol dealing with its

¹ See below, p. 74.

² Not reproduced.

reservations to sign also the Protocol of Signature of 1920 and that relating to the amendments subject to the eventual entry into force of the first-mentioned agreement.'

While recognizing that it is not formally within its province to make any proposals as to the action to be taken by the Assembly, the Conference has necessarily been obliged to ask itself what form the Assembly's action will take. It has found it convenient to give a precise shape to its ideas on this subject by drawing up a draft resolution in conformity with the terms of the draft protocol which it has adopted. It has requested me to transmit this text also to you in the hope that it may serve to facilitate the consideration of the question by the Assembly.

The Conference anticipates that the Assembly, if it is in agreement with the results of the work of the Conference, will, by a suitable resolution, adopt for its part the amendments to the Statute of the Court and the draft protocol relating thereto.

In this event, there will be no obstacle to the opening of the Protocol for signature so soon as it can be prepared in the proper form.

The same will be the case with regard to the Protocol relating to the accession of the United States of America to the Statute of the Court, if that Protocol is adopted by the Assembly.

The Conference has closed its session, subject to its being possible for it to be convened again by its President if need arises. It is understood that, if the draft protocols are adopted by the Assembly in the form given to them by the Conference, the Secretary-General will proceed without delay to present them to the delegates for their signature."

The text of the draft protocol designed to put into force the amendments to the Statute is as follows:

"1. The undersigned, duly authorized, agree on behalf of the governments which they represent to make in the Statute of the Permanent Court of International Justice the amendments which are set out in the annex to the present Protocol and which form the subject of the Resolution of the Assembly of the League of Nations of September, 1929.

2. The present Protocol, of which the French and English texts are both authentic, shall be presented for signature to all the signatories of the Protocol of December 16th, 1920, to which the Statute of the Permanent Court of International Justice is annexed, and to the United States of America.

3. The present Protocol shall be ratified. The instruments of ratification shall be deposited, if possible, before September 1st,

1930, with the Secretary-General of the League of Nations, who shall inform the Members of the League of Nations and the States mentioned in the annex to the Covenant.

4. The present Protocol shall enter into force on September 1st, 1930, provided that the Council of the League of Nations has satisfied itself that those Members of the League of Nations and States mentioned in the annex to the Covenant which have ratified the Protocol of December 16th, 1920, and whose ratification of the present Protocol has not been received by that date, have no objection to the coming into force of the amendments to the Statute of the Court which are annexed to the present Protocol.

5. After the entry into force of the present Protocol, the new provisions shall form part of the Statute adopted in 1920 and the provisions of the original articles which have been made the subject of amendment shall be abrogated. It is understood that, until January 1st, 1931, the Court shall continue to perform its functions in accordance with the Statute of 1920.

6. After the entry into force of the present Protocol, any acceptance of the Statute of the Court shall constitute an acceptance of the Statute as amended.

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

DONE at Geneva, the day of September, nineteen hundred and twenty-nine, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations. The Secretary-General shall deliver authenticated copies to the Members of the League of Nations and to the States mentioned in the annex to the Covenant."

The First Committee of the Assembly, before which, as has been stated above, the results of the work of the Conference were laid by the letter from M. van Eysinga, dated September 12th, 1929, approved these results on September 13th, 1929, and unanimously recommended their adoption to the Assembly. At the same time it adopted by a majority the draft recommendation concerning the nomination of candidates.

The Assembly considered the question on September 14th, 1929, having before it a report written by M. Politis, on behalf of the First Committee, in which report, after a brief outline

of the work of revision ¹, is reproduced the text of M. van Eysinga's letter. Furthermore, M. Politis made at a plenary meeting of the Assembly the oral report reproduced below,

¹ The historical portion of M. Politis' report is as follows :

"On September 20th, 1928, the Assembly of the League of Nations adopted the following resolution :

'The Assembly :

Considering the ever-increasing number of matters referred to the Permanent Court of International Justice ;

Deeming it advisable that, before the renewal of the term of office of the members of the Court in 1930, the present provisions of the Statute of the Court should be examined with a view to the introduction of any amendments which experience may show to be necessary :

Draws the Council's attention to the advisability of proceeding, before the renewal of the term of office of the members of the Permanent Court of International Justice, to the examination of the Statute of the Court with a view to the introduction of such amendments as may be judged desirable and to submitting the necessary proposals to the next ordinary session of the Assembly.'

In pursuance of this resolution, the Council decided on December 13th and 14th, 1928, to set up a Committee of Jurists consisting of Jonkheer VAN EYSINGA, M. FROMAGEOT, M. GAUS, Sir Cecil HURST, M. ITO, M. POLITIS, M. RAESTAD, M. RUNDSTEIN, M. SCIALOJA, M. URRUTIA and a jurist of the United States of America to be appointed by the President of the Council and the Rapporteur, who selected Mr. Elihu ROOT. The Council further invited the President and the Vice-President of the Court, M. ANZILOTTI and M. HUBER, and the Chairman of the Supervisory Commission, M. OSUSKY, to participate in the work of the Committee. M. PILOTTI was added to the Committee on March 9th, 1929.

The Committee of Jurists, which met at Geneva in March of the present year, presented a report which was received by the Council at its session of last June and was communicated by the Council to all the Members of the League and States mentioned in the annex to the Covenant. It has been circulated to the Assembly in document A. 9. 1929. V, and will no doubt be reproduced in the proceedings of the Assembly, as an annex to my present report.

The Jurists propose a number of changes in the Statute of the Court, consisting of amendments to various articles and the addition of a new chapter relating to advisory opinions.

For the reasons for which these changes were proposed, I beg to refer to the text of the Jurists' report. It is unnecessary for me to give an account of them here, since I am sure that they have been fully considered by all the delegations. The following passage from the report may be quoted as indicating, not merely the spirit in which its work was performed by the Committee of Jurists, but also that in which the subject has been considered by the Conference of government Representatives which has just concluded its labours and by the First Committee of the Assembly :

'The Council Rapporteur had pointed out that, having regard to the terms of the Assembly's decision, the Committee should have wide terms of reference, namely, 'to report what amendments appear desirable in the various provisions of the Court's Statute'. He further stated 'that the Committee would, of course, be competent to examine such suggestions as may reach it, during its work, from authoritative sources' and 'that it would fall to the Committee to ascertain the opinion of the

in which he dealt both with the revision of the Statute and the adherence of the United States of America to the Court's Statute, which questions had been before the Committee of Jurists of March 1929, the Conferences of signatories of the Statute and the First Committee of the Tenth Assembly:

"It is my privilege, on behalf of the First Committee, to give you an account of the latter's work with reference to the accession of the United States of America to the Statute of the Permanent Court of International Justice and the revision of that Statute.

With the President's permission, I shall venture to consider these two items together; I suggest this not only because they are, in fact, intimately connected, and have been further connected as the result of their parallel and sometimes joint consideration by various bodies, but also—and this is the practical reason which you will most appreciate—because my report and the accompanying

Permanent Court of International Justice in respect of the working of the Court'.

As may be seen from the discussion in the Assembly, the latter did not contemplate recasting completely the Statute of the Court; it had merely in view the possibility of supplementing or improving the Statute in the light of the experience already acquired.

It is in this spirit that the Committee, which met at Geneva on March 11th, 1929, under the chairmanship of M. SCIALOJA, has pursued its work, which was completed on March 19th under the chairmanship of Jonkheer VAN EYSINGA, the Vice-Chairman.

In the proposals which the Committee has the honour to submit to the Council, it has been in general actuated by the desire to give the States full assurance that the Permanent Court of International Justice established by the League of Nations is a real *judicial* body which is constantly at their disposal for the purpose of hearing and determining their disputes and which possesses alike the necessary juristic competence and experience of international affairs.'

In addition to the changes which it proposed in the Statute of the Court, the Committee of Jurists formulated for eventual adoption by the Assembly, a recommendation regarding the nomination by the national groups of candidates for election as members of the Court.

At its session of last June, the Council placed the Jurists' report upon the Assembly's agenda, and at the same time decided to convene, on September 4th, a conference of Representatives of the interested governments to discuss the Jurists' proposals concurrently with the Assembly.

It was arranged that the discussion of the subject in the Conference should be completed before the matter was dealt with by the Assembly.

The Conference completed its labours on September 12th, 1929, and communicated the results to the President of the Assembly and the Chairman of the First Committee by a letter of the same date, which was considered by the First Committee at its meeting of September 13th.

The Conference informed the Committee that it had reached the following conclusions upon the proposals of the Jurists for the amendment of the Court's Statute:"

(Then follows M. van Eysinga's letter of September 12th, 1929, reproduced on pp. 70-74.)

explanation will thereby be made much clearer and, moreover, much briefer.

The connection between these questions was, as I say, established through their simultaneous consideration by various bodies. In point of fact, as the Assembly agenda shows, the first of the two—that is the revision of the Statute—was the first to come up before the Assembly.

You will remember that last year the Assembly adopted a resolution drawing the Council's attention to the advisability of considering whether, in the light of experience, additions or improvements might not be necessary in the Statute of the Court. It was urged that the Statute should be examined before the present session of the Assembly, so that any amendments might be prepared in good time and that the question whether, in entering upon its new period of nine years, the Court should be governed by the original or by the revised Statute, should be settled before next year, when the renewal of the term of office of the members of the Court takes place.

In December 1928, in pursuance of the Assembly's suggestion, the Council set up a Committee of twelve jurists, one of whom was the eminent American statesman and jurist, Mr. Elihu Root.

The Council further invited the President and the Vice-President of the Permanent Court of International Justice and the Chairman of the Supervisory Commission to participate in the Committee's work. These gentlemen were good enough to accept the invitation, the President and Vice-President of the Court informing the Committee that they were collaborating in a purely personal capacity and that their opinions should not in any case be regarded as the opinions of the Court itself¹.

¹ The Registrar of the Permanent Court of International Justice, Representative of the Court before the First Committee, had addressed to the President of that body the following letter dated Geneva, September 13th, 1929:

"In the [provisional] minutes of the second meeting of the Conference for the revision of the Statute of the Permanent Court of International Justice (Wednesday, September 4th, 10 a.m.) appears (p. 51) the following version of a statement made by one of the Rapporteurs of the Committee of Jurists which met from March 11th to 19th last:

'The Court of Justice was also called upon to give its opinion, and the President and the Vice-President of the Court were good enough to join the Committee.... They were accompanied by the Registrar....'

At its meeting this morning, the Rapporteur of the First Committee also made a statement to the effect that the Court had been fully represented in the preparation of the amendments to the Statute which it was the Committee's mission to study.

Having brought the above to the notice of the President of the Court, I have been instructed by him to draw the attention of the First Committee to the true significance of the presence of the President and the Vice-President of the Court at the meetings of the Committee of Jurists.

I therefore venture most respectfully to quote below certain extracts from the statements made to the Committee by the President of the Court, M. Anzilotti.

Before the meeting of the Committee, which was fixed for March 11th, 1929, Mr. Kellogg, the United States Secretary of State, sent to the governments signatories of the Protocol of Signature of the Statute of the Court, and to the Secretary-General of the League of Nations, a note suggesting that an exchange of views might lead to agreement in regard to the conditions laid down by the Senate in 1926 for the accession of the United States to the Protocol of Signature.

The Council, at its session in March, noted this communication from the United States Government with satisfaction and requested the Committee of Jurists, which was to meet a few days later, to consider, together with the question already submitted to it, this new question of an agreement with the United States with a view to the accession of that country to the Statute of the Court.

The Committee of Jurists, in complete agreement with its member from the United States, discharged the two duties entrusted to it with remarkable speed and complete success. It framed, for each of the two questions, a series of proposals which were submitted to the Council and which the latter approved at its session in Madrid in June last.

The Council gave instructions that the amendments proposed should be communicated to the Members of the League and to the States mentioned in the annex to the Covenant; it decided, further, to convene a Conference of States parties to the Statute of the Court, to meet at Geneva on September 4th, 1929, with a view to examining these amendments, and requested the Super-

At the first meeting of the Committee of Jurists, M. Anzilotti states (p. 8 of the printed minutes):

'Our proposals, however, should not be regarded as emanating from the Court itself. On the contrary, I must state that the members of the Court have not failed to attach great importance to the sentence which was inserted in the report adopted by the Council on December 13th, 1928, under which 'it would fall to the Committee to ascertain the opinion of the Permanent Court of International Justice to respect the working of the Court.'

And, at the last meeting of the Committee (p. 92), M. Anzilotti reminded the Committee that 'M. Huber and he had not taken part in the work of the Committee as official Representatives of the Court', but 'thought that it would perhaps be in order to submit the draft revised Statute and the corresponding report to the Court'. On the same occasion (p. 94), he made a formal declaration to the effect that anything he or M. Huber had said 'represented nothing but their own personal opinion and must not in any way be held to express the views of the Court'.

Finally, the exact significance of the attitude thus adopted by M. Anzilotti and M. Huber in the Committee is demonstrated beyond all doubt by the following declaration made by M. Anzilotti at the fourth meeting of the Committee (p. 25): '.... he stated that he and M. Huber would not vote, so that the Court might be left quite free when it would be called upon to express an opinion on the proposals or recommendations of the Committee.'

The Registrar's letter is included in the minutes of the third meeting of the First Committee.

visory Commission to present to the Assembly its opinion as to the financial effects of the proposals made by the Committee of Jurists.

At the same time, the Council instructed the Secretary-General to reply to the Secretary of State of the United States and to communicate to him the report of the Committee of Jurists on the question of the adherence of the United States to the Statute of the Court; it decided also to make the same communication to the States parties to the Statute.

The Conference thus convened by the Council was about to meet here on September 4th when it found itself in precisely the same position as the Committee in March. It was to meet for the purpose of considering the proposed amendments to the Statute of the Court; the Council, however, on August 31st, 1929, requested the Conference to consider also the draft protocol relating to the accession of the United States to the Statute of the Permanent Court of International Justice.

The Conference had accordingly to deal with both these questions. It met on September 4th under the chairmanship of M. van Eysinga and concluded its work on September 12th. Plenipotentiaries of fifty-four States—fifty-three Members of the League and Brazil—were represented, most of whom stated that they were authorized and prepared to sign the texts framed by the Conference, as soon as these had been approved by the Assembly.

The Conference unanimously adopted in its entirety the draft protocol relating to the accession of the United States—I may even add that these texts were so completely approved by the Conference that there was no discussion.

It also adopted, with a few slight formal modifications, the amendments and recommendations of the Committee of Jurists relating to the revision of the Statute of the Court. These texts have been approved by the First Committee, and have been circulated to all the members of the Assembly, together with the relevant reports of the Committee of Jurists, the Conference and the First Committee, respectively.

Since the reports of the Committee of Jurists were adopted by the Council in June, all the governments have had an opportunity of considering them and, as they have been made public, every one has been able to realize their merits.

In the circumstances it seems unnecessary to give a detailed analysis of the texts, but the Assembly will doubtless allow me, in view of their importance, briefly to indicate their general purport and to point out what progress their entry into force implies in the organization of international justice.

I propose to deal first with the question of the accession of the United States to the Statute of the Court.

Although, as you are aware, a judge from the United States has been a member of the Court from the outset, the Court has

not hitherto enjoyed the co-operation of the United States Government—not, I hasten to add, because that great country, which is among the foremost champions of international justice, was opposed to the institution set up by the League in 1920, but because, not being a Member of the League, it rightly considers that it cannot accede to the Statute of the Court without certain guarantees which would necessitate an international agreement between the United States and the States which have already acceded to the Court.

The Senate, in a resolution dated January 27th, 1926, explained, as you know, how the United States interprets these guarantees.

A Conference of States signatories to the Protocol of Signature of the Statute of the Court was held at Geneva in September 1926, to consider the practical means of satisfying the United States reservations. As everyone knows, the Conference framed a draft protocol which, unfortunately, was not acceptable to the United States. Disagreement thus existed—that was the main result of the Conference—between the United States and the other States concerned, though in point of fact it concerned one point only—the question of advisory opinions for which the Council and the Assembly can apply, under the Covenant, to the Permanent Court of International Justice. I feel perfectly sure that that disagreement was really due to a misunderstanding, arising—we must be frank—from a mutual lack of confidence.

The United States Government, in fact, feared lest the Council or the Assembly might ask the Court for an advisory opinion without reference to any interests that the United States might have in the question at issue, while the other States, the States concerned, feared lest the rights claimed by the United States in its reservations might be so exercised as to hamper the League's activities and its work in general.

For some time this misunderstanding persisted, and for some time, too, there appeared to be no hope of reaching a solution. But time, as the Italian proverb says, can be depended on, and time, too, brings good counsel. It allows of reflection, and reflection led both sides ultimately to realize that the fears revealed in 1926, after the Conference of that year, were quite unfounded and that, with a further effort of mutual goodwill, it should be possible to find a formula to allay the apprehensions of both parties.

Such reflection led to the communication from the United States Secretary of State to which I have just referred and of which the Council of the League took cognizance in March of this year. This note made it possible to re-open the examination of the question. It made it quite clear that the United States has no desire to interfere with the League's work or to hamper it in any way, and further that the United States Government fully realizes the responsibilities, frequently heavy, which may rest upon the Council and upon the Assembly of the League. The note showed that,

in the opinion of the United States Government, the margin of difference between the United States reservations and the draft protocol framed in 1926 was not so great that it could not be overcome by means of a frank exchange of views.

The Committee of Jurists appointed to consider the question on this basis accordingly had no difficulty in drafting a formula, in full agreement with the member from the United States, which was found quite satisfactory. This it did by facing the difficulty boldly and endeavouring to overcome it in a concrete way and in the best interests of all the parties concerned. It took account of the fact that, in a country where the Supreme Court has no advisory powers, some misapprehension may be entertained as to the real part played by the Permanent Court of International Justice when asked by the League for an advisory opinion.

To remove all apprehension on this point, it is sufficient to note—as is noted in the texts before you—that the procedure followed by the Court in its advisory capacity is almost identical with that which is followed in contentious cases.

Another misapprehension appears to exist in the United States as to the powers of the Council under the last paragraph of Article 13 of the Covenant, to the effect that, in virtue of this provision, the League Council, after obtaining an advisory opinion from the Court, might require Members of the League to resort to war if necessary for the purpose of enforcing that advisory opinion.

Before an audience familiar with the provisions of the Covenant, it is hardly necessary for me to urge that this view is quite erroneous. Article 13 does not and cannot refer to advisory opinions. Advisory opinions have, in theory, no binding force. The last paragraph of Article 13 relates only to awards and decisions, and even in such cases the Council has no power to impose anything on anybody; its power is limited to proposing measures which it will be for Members to carry out subsequently with a view to enforcing the decision. It is quite inconceivable, however, that, in connection with any advisory opinion, the Council should propose that Members of the League should take measures contrary to their international engagements.

I think these very brief and very simple explanations will remove any misapprehension on this point.

Thus, after making a detailed analysis of the position, and taking into account the state of mind of the countries concerned, the Committee succeeded, by the method which I have just described, in finding the desired formula.

This is so simple that, now that we have it before us, the remarkable thing is that it should have taken so many years to find.

It consists in guaranteeing to the United States, in everything relating to the Court, its Statute, organization, and functions, the position that country would have had as a Member of the League of Nations with a permanent seat on the Council.

For practical purposes this general outline of the draft protocol before you may be divided into four main provisions.

The first is that the United States shall participate in the elections of judges of the Court through representatives at the Assembly and in the Council on a basis of equality with States Members of the League represented in the Assembly or in the Council.

The second is that no amendment of the Statute may be made without the consent of the United States equally with that of other States concerned.

The third concerns the contractual character to be given henceforth—this idea is further emphasized by the foregoing provision concerning amendments—to the present provisions of the Rules of Court governing the procedure for advisory opinions.

Then comes the fourth and last provision, the most important of all and the one which necessitated so much discussion and research. The United States will participate, upon a basis of equality with the States Members of the League represented at the Assembly and on the Council, in any decision to request the Court for an advisory opinion, when the interests of the United States are affected.

Article 5 of the draft protocol before you governs the procedure to be followed in such a case. It is purposely framed with elasticity and a lack of rigidity so as to cover any circumstances whatsoever that may arise in the future.

Whenever the Council or the Assembly intends to apply to the Court for an advisory opinion on a given question and has reason to believe, or is informed, that the United States considers that its interests are involved, the United States will participate in the decision to apply to the Court, exactly as if it also were a Member of the League with a permanent seat on the Council. Its vote will have the same value as that of States Members of both organs of the League.

In practice, this implies that, if unanimity is required, when applying for an advisory opinion on any matter, and if the United States is opposed to application being made, the request cannot go forward.

It also implies that, if a majority is sufficient—as it is when the Assembly asks for an opinion—the opposition of the United States, being simply equivalent to the vote of a member of the Assembly, would count when determining the majority; but if the majority is secured notwithstanding such opposition, the request would go forward and the procedure of the League would follow its course.

The opposition of the United States, in a question in which that country maintains that its interests are involved, obviously cannot be negated or cancelled by the ordinary procedure of the Assembly. And while the United States had to recognize that

the Assembly's procedure must follow its course, we for our part had to recognize that the United States must be free to denounce the agreement, to withdraw its accession to the Statute, in any matter in which the League's machinery might involve a request for an opinion notwithstanding the opposition of the United States.

These extreme cases, which I personally regard as purely hypothetical, made it necessary to maintain perfect equality between the contracting parties, and the draft Protocol before you provides accordingly that any contracting party shall be entitled at any time to withdraw its acceptance of the Protocol and that if, during the year following the first withdrawal, two-thirds of the contracting States adopt the same course, the Protocol shall cease to be in force.

If, despite my optimism, such a contingency ever arose, I still persist in the belief that the United States would immediately come to an agreement with the States concerned, with the object of concluding a new protocol better adapted to requirements as shown by experience.

The draft protocol of which I have just given this brief analysis has been unanimously approved by the Committee of Jurists, the Council, the Conference and the First Committee. It has been favourably received in the United States, and we may thus assume that the Government of the United States regards it as satisfactory.

The Assembly, I am sure, will also approve it. It will look on this draft protocol as fully safeguarding the League's rights and interests, and will take the view that, once it has received the Assembly's approval, all the States concerned will sign immediately and ratify without delay.

We shall thus have yet another proof that no problem, however difficult and complex at first sight, need really baffle us if studied in the League's characteristic spirit of conciliation and goodwill.

I come now to the second question, the revision of the Statute of the Court. Last year, when the Assembly approved the resolution to which I referred at the beginning of this statement, it did not contemplate completely recasting the Statute; it merely had in view the possibility of supplementing or improving its provisions in the light of the experience already acquired.

In this spirit, and simply in this spirit, the amendments and recommendations now submitted for your approval were framed. They do not in any way affect the essential bases of the organization and working of the Court. They are governed by a very simple general idea, an idea which I can easily explain, namely, that to meet the growing confidence of States and to render them the services they are asking for more frequently every year, the Court must be primarily a judicial body within the fullest meaning of the term.

For this, it is not enough that its members should enjoy the highest moral authority and possess the necessary juristic competence. They must also have practical experience in international affairs. Their judicial functions must constitute their sole and exclusive occupation and hence their remuneration must be commensurate with their services, and in any case such as to make them really independent.

Secondly, the Court must exemplify to the fullest extent the permanent character which its title denotes; it must be constantly, at any moment, at the service of States, whether for the purpose of hearing and determining their disputes or of giving advisory opinions when so requested by the League.

Those are the two objects which the amendments and proposals before you are intended to realize. To achieve the first of these objects, it is proposed to amplify Article 16 of the Statute, relating to the functions and occupations incompatible with membership of the Court, by prohibiting the judges from engaging in any other occupation of a professional nature, interpreted in the widest sense, and covering the activities of a manager or director of a profit-making company.

Similarly, in Article 32 it is proposed to substitute for the present system of annual indemnities and allowances for each day of service a definite salary, the amount of which the Assembly will doubtless fix at an appropriate figure worthy of the highest judiciary in the world.

For the same reasons it is proposed to interpret, by way of a recommendation, Article 2 of the Statute relating to the qualifications necessary to candidature for the position of judge of the Court, stating, as is shown in paragraph 2 of the draft resolution submitted to you, that members of the Court should possess recognized practical experience in international law; that they must at least be able to read the two official languages of the Court and to speak one of them; and, lastly, that their nomination should be accompanied by a statement of their career, showing that they possess the required qualifications.

As regards these three proposals contained in the second paragraph of the draft resolution before you, there was no difficulty as to the last two, namely, that relating to the languages and that concerning the statement of candidates' careers.

All the bodies which had to consider the question unanimously recognized the undoubted desirability of both these proposals and thought the recommendations on the two questions should be retained.

That is not the case, however, with regard to the first proposal, namely, that relating to practical experience in international law which it seems desirable that the members of the Court of International Justice should possess.

A number of members of the Committee of Jurists and, subsequently, a number of delegations at the Conference and on its

Drafting Committee and, finally, certain members of the First Committee strongly maintained that this recommendation was either useless or dangerous. The great majority on all these bodies, however, did not share this opinion, but thought, on the contrary, that it was most important to mention that, in addition to competence in international law, the judges should also have practical experience of international law. It was thought that without this practical experience, which alone can give the ability to appreciate the facts of a case, a judge's decisions would not have the value or the moral effect that are desirable, nor would they have a nation-wide appeal.

For all these reasons, notwithstanding the persistent, organized and repeated opposition of certain delegations, the Conference, and subsequently the Committee, decided by a large majority, as I have said, to retain the recommendation on this point. The First Committee approved all three parts of the recommendation and now proposes that you should follow suit.

So much for the first of the two aims to which I referred just now. As regards the second, which relates to the actual permanence of the Court, the new drafting of Article 23, in the first place, abolishes the present system of holding one ordinary annual session of the Court, with extraordinary sessions if necessary.

The new drafting of Article 23, I repeat, supersedes this system by a new system. The Court remains constantly in session, except during the judicial vacations, the dates and duration of which it fixes itself. Its members must be constantly at its disposal unless they are prevented by good reasons from attending or are on regular leave, to which judges whose homes are in distant countries are entitled every three years for six clear months.

This obviates the risk—which is by no means hypothetical, since the contingency has once occurred—that the Court might not be able to sit, or to deal with applications made to it, because it could not secure the attendance of a sufficient number of its members. With the new drafting of Article 23, we think that risk has henceforth been permanently obviated.

In the second place, it is proposed that the deputy-judges should be abolished and replaced by ordinary judges, so as to institute in principle what already exists in fact. When we drew up the Statute of the Court in 1920, we thought that deputy-judges would very rarely be called upon to fill vacancies in the Court. In practice it has proved to be quite otherwise, and since 1922 it is only in quite exceptional cases, I think, that the Court has been able to sit without the assistance of one or more deputy-judges.

The deputy-judges have become permanent, and they deserve to be permanently appointed. We propose to do this without, however, increasing the total number of judges beyond the fifteen provided for in the present Statute.

Finally, whilst retaining the rule that in principle the full Court shall sit, and whilst retaining also the quorum of nine prescribed by the present Statute, it is proposed that the Court should be able to reduce the number of judges available, so that from one to four of these judges may, according to the exigencies of service, according to the number of cases on the list, be enabled to deal elsewhere than at the seat of the Court with other matters which also come within the Court's jurisdiction. Such are the explanatory observations I thought it desirable to furnish regarding the essentials of the question of the revision of the Statute.

The other articles before you refer only to details and are of secondary importance. Some of them merely make suggestions for special cases, such as the resignation of judges, the filling of occasional vacancies, the composition of special chambers of the Court, the general application of the system of national judges, etc.

Of the points which are not of first importance, there are two only to which I think it necessary to draw your attention for a moment. I refer, in the first place, to the additions proposed to Articles 2 and 35 of the Statute so as to prescribe how States which are parties to the Statute of the Court but are not Members of the League may participate in the election of judges and in the expenses of the Court.

These additions particularly affect Brazil, with which country no special agreement is contemplated such as that proposed in the case of the United States.

The second point is the transfer to the text of the Statute, in Articles 65 to 68, of provisions which at present are included in the Rules of Court and which relate to the procedure governing advisory opinions. This transfer has been effected, as I suggested just now, in order to give those provisions the more permanent character which seems particularly desirable in view of the new circumstances attending the accession of the United States to the Statute of the Court.

These amendments and recommendations are covered by a protocol of signature, which contains a series of provisions quite easy to understand, showing how and when ratification is to be effected and what the special position of the Court will be up to the end of the present period of nine years.

If, as we hope, the protocol is approved by the Assembly, it will immediately be open for signature by the countries concerned. We are most anxious that they should sign it without delay. I said just now that very many—I am not sure that I should not say most—of the plenipotentiaries of the States represented at the Conference just held at Geneva were empowered to sign the protocol immediately. May I therefore urge my colleagues to sign the protocols now under discussion, as soon as the Assembly has approved them?

The draft protocol regarding the Statute provides for ratification, if possible, before September 1st, 1930, so that next year, when the time comes for the mandate of the judges to be renewed, we may know whether the Court is to continue under the old Statute or whether the new Statute is applicable.

With a view to ratification, it was thought desirable, in view of the number of countries called upon to ratify this protocol and the peculiar circumstances that may apply to some of them, to provide that the protocol shall enter into force on September 1st, 1930, even if all the ratifications have not been received by that date, provided that the Council, after examining the situation, has satisfied itself that the States which have not ratified have no objection to the amendments to the Statute of the Court coming into force immediately.

We are equally anxious that the States should ratify the protocol without delay, and would urge even more emphatically that, if, for reasons outside their control, some States do not possess powers enabling them to ratify before the date indicated, they will at least offer no objection to the amendments coming into force at once.

The protocol contains, lastly, a final article to cover the special position of the United States of America. This article provides that, for the purposes of the protocol, the United States shall be in the same position as if it had already ratified the 1920 Protocol of Signature of the Statute of the Court. In other words, the proposed amendments will not come into force, so far as the United States is concerned, until that country has ratified them along with the other States. This parallelism between the two protocols produces a rather complicated situation in regard to ratification by the United States.

Three instruments will shortly be submitted for the approval and ratification of the United States of America: the Protocol relating to its adherence, the 1920 Protocol of Signature of the Statute of the Court, and the protocol now under consideration; that is, the protocol concerning the revised Statute of the Court.

The United States will have to decide what procedure it prefers for approving and ratifying these agreements. It may perhaps consider that the simplest method would be to sign, approve and ratify the three instruments simultaneously. So far as the United States is concerned, the Statute of the Court obviously cannot come into force unless the conditions governing the adherence of the United States are accepted by everybody, so that it would be quite legitimate, when ratifying the two protocols relating to the Statute, if that country were to make the validity of its ratification conditional upon the acceptance of the protocol by all the States concerned.

I must apologize for having gone into such complicated and difficult technical explanations concerning these various ratification questions, which cut across one another and overlap, but this is a

matter of some importance. I hope I have made myself clear. I hope, too, that all will do their best to contribute to the achievement of this great work.

This concludes the explanations which I felt it my duty to give you concerning the question of the revision of the Statute of the Court.

The First Committee has adopted the texts of which I have just given an analysis, and asks you to approve them in your turn. It also asks you to express the hope that the States will sign immediately and ratify without delay.

I have said enough, I think, to indicate the importance of the texts submitted to you. If this twofold achievement—the accession of the United States to the Statute of the Court and the revision of that act—receives first your approval, and secondly that of all the States concerned, and thus becomes a reality, we shall have made a big stride towards establishing law as the ruling principle of the civilized world.

When the First Assembly set up the Permanent Court of International Justice, under Article 14 of the Covenant, many people, I remember, considered this innovation premature. They regarded it far more as the realization of a pious aspiration than as a means of supplying a practical need. They accepted the Court as an experiment, but their confidence was lukewarm. Experience has shown how mistaken they were. It has shown that the Court did meet a very real need—that the Court was a necessity and a much more imperious necessity than the most optimistic of us could have imagined.

In less than eight years—figures are sometimes useful—the Court has given some forty decisions in the form of judgments, orders, or advisory opinions. A large number of countries have already availed themselves of its services; its publications already constitute a library in themselves. The Court has won the confidence of the nations and can count on this confidence increasing and becoming more firmly established every year. Not a month passes without fresh agreements being concluded, recognizing the compulsory jurisdiction of the Court for certain categories of disputes.

The revision of the Statute—a very slight revision—on which we are now engaged, is at once the outcome and the confirmation of past success. Considering the results of the Court's activities during this first short period of eight years, no great effort of imagination is required, it seems to me, to visualize the position by the end of the second period of nine years. Then, no doubt, a much fuller revision of the Statute will be necessary to enable the Court to perform the services which the States will require of it. What exactly will those services be? It is hard to say, but I might perhaps point out the significance of the fact that there is already talk of a Court of Appeal, and even of penal jurisdiction.

It is very difficult to say any more about this at the present stage. We may say, however, that things are moving, and in this particular direction they are moving rapidly. One thing is certain, one thing must not be forgotten: the League of Nations is revealing itself, in this as in so many other matters, as an inspirer of confidence and a creator of energy. The League it was that set up the Court, to-day so full of vitality and promise for the future, and it will be for the League, when amending the organization of the Court, to maintain the high standard proper to it. It will, I firmly believe, be the boast of this Assembly that it initiated these amendments and, further, by rendering possible the accession of the United States, that it secured for the Court the increase in prestige and authority which the collaboration of that great American democracy cannot fail to bring to it."

After the debate which followed M. Politis' oral report, the following resolution was put to the Assembly which adopted the first paragraph unanimously and the second by 32 votes to 15, with one abstention:

1. "The Assembly adopts the amendments to the Statute of the Permanent Court of International Justice and the draft protocol which the Conference convened by the Council of the League of Nations has drawn up after consideration of the report of the Committee of Jurists, which met in March 1929 at Geneva and which included among its members a jurist of the United States of America. The Assembly expresses the hope that the draft protocol drawn up by the Conference may receive as many signatures as possible before the close of the present session of the Assembly and that all the governments concerned will use their utmost efforts to secure the entry into force of the amendments to the Statute of the Court before the opening of the next session of the Assembly, in the course of which the Assembly and the Council will be called upon to proceed to a new election of the members of the Court."

2. The Assembly associates itself with the following recommendation adopted by the Conference:

"The Conference recommends that, in accordance with the spirit of Articles 2 and 39 of the Statute of the Court, the candidates nominated by the national groups should possess recognized practical experience in international law and that they should be at least able to read both the official languages of the Court and to speak one of them: it also considers it desirable that to the nomina-

tions there should be attached a statement of the careers of the candidates justifying their candidature.”

* * *

The Protocol thus adopted on September 14th, 1929, by the Tenth Assembly was opened for the signature of States the same day.

On June 15th, 1930, the following States had signed¹:

Albania	Italy
America (United States of—)	Japan
Australia	Latvia
Austria	Liberia
Belgium	Lithuania
Bolivia	Luxemburg
Brazil	Netherlands
Bulgaria	New Zealand
Canada	Nicaragua
Chile	Norway
China	Panama
Colombia	Paraguay
Czechoslovakia	Persia
Denmark	Peru
Dominican Republic	Poland
Esthonia	Portugal
Finland	Roumania
France	Salvador
Germany	Siam
Great Britain	South Africa
Greece	Spain
Guatemala	Sweden
Haiti	Switzerland
Hungary	Uruguay
India	Venezuela
Irish Free State	Yugoslavia.

On May 12th, 1930, at the first meeting of the 59th Session, the Council of the League of Nations, in view of the small number of States² which had on that date ratified the Protocol and having regard to paragraph 4 of the Protocol, requested

¹ Communication from the Secretary-General of the League of Nations.

² Union of South Africa, Austria, Belgium, Great Britain, Denmark, India, Norway, Sweden.

the Secretary-General to ask Members of the League and States which had not yet ratified whether they had any objection to the coming into force of the Protocol and to beg them to reply by August 20th, 1930, at latest. After that date, the Secretary-General could telegraph to Members or States which had not replied to his first enquiry.

On June 15th, 1930, the following States had ratified¹:

Austria	Norway
Belgium	Poland
Denmark	Portugal
Great Britain	Siam
India	South Africa
New Zealand	Sweden.

* * *

Under the Council Resolution of June 12th, 1929, the Supervisory Commission of the League of Nations had been asked to give the Tenth Assembly its opinion upon the measures proposed by the Committee of Jurists from the point of view of their financial effects. The Supervisory Commission was thus called upon :

(1) to give its opinion on the draft resolution drawn up by the Committee of Jurists with regard to the salaries of members of the Court ;

(2) to revise the Assembly Resolution of September 30th, 1924, concerning the pensions of members and of the Registrar of the Court, so as to bring it into line with the amendments to the Statute proposed by the Committee of Jurists ;

(3) to submit to the Assembly draft regulations for the repayment of travelling expenses to members and to the Registrar of the Court.

It considered these questions at its 33rd Session (June 1929).

As regards the first (salary of judges), it approved the proposals of the Committee of Jurists. On September 13th, 1929, the Council² adopted these proposals by the following resolution :

¹ Communication from the Secretary-General of the League of Nations.

² According to Article 32 of the Court's Statute, it is for the Council to propose and for the Assembly to fix the salaries and pensions of members of the Court.

“With reference to Article 32 of the Court’s Statute, the Council agrees with the suggestions of the Supervisory Commission and proposes that, subject to the entry into force of the amendments proposed in the Court’s Statute, the Assembly should fix the salaries of the members of the Court from January 1st, 1931, as follows:

	Dutch florins.
<i>President</i> :	Annual salary 45,000.—
	Special allowance 15,000.—
<i>Vice-President</i> :	Annual salary 45,000.—
	Allowance of 100 florins for each day on which he acts as President, up to a maximum of 10,000.—
<i>Members</i> :	Annual salary 45,000.—
<i>Judges referred to in Article 31. of the Statute</i> :	Allowance of 100 florins for each day of duty, plus a daily subsistence allowance of 50 florins.”

The Council’s proposals were approved by the Assembly on September 14th, 1929.

As regards the second question, the Supervisory Commission proposed that the regulation governing the grant of pensions to members and to the Registrar of the Court, adopted by the Fifth Assembly on September 30th, 1924¹, should be modified as follows:

“Article 1.

The members and the Registrar of the Court who have, for any reason whatever, ceased to hold office shall be entitled to retiring pensions.

This right, however, shall not be recognized if the persons concerned have been dismissed for reasons other than the state of their health.

In the case of resignation, members of the Court will not be entitled to pensions unless they have completed a period of five years’ service, and the Registrar shall not be entitled to a pension unless he has completed a period of seven years’ service, but the

¹ The Regulations of September 30th, 1924, are summarized in the First Annual Report, p. 290. See in present volume, pp. 96 *et seq.*, a statement of the Registrar of the Court before the Fourth Committee of the Tenth Assembly concerning, amongst other things, the difference between the text of the regulations concerning pensions proposed by the Committee of Jurists and the text prepared by the Supervisory Commission at its 33rd Session.

Court shall have power, by a special decision based on the fact that the person concerned is in a precarious state of health and has insufficient means, to grant him a pension equivalent to that to which he would have been entitled had he completed the minimum period of service laid down above.

The payment of a pension shall not begin until the person entitled to such pension has reached the age of 65. In certain exceptional cases, however, the pension may, by a decision of the Court, be made payable, in whole or in part, to persons entitled thereto before they reach that age.

Article 2.

No retiring pension payable under the present regulations shall exceed 15,000 Dutch florins in the case of members of the Court and 10,000 Dutch florins in the case of the Registrar.

Article 3.

Subject to the provisions of Article 2, members shall be entitled to the payment of a pension equivalent to one-thirtieth of their salary in respect of each period of twelve months passed in the service of the Court, the amount being calculated:

for the President, on his annual salary and special allowance ;
for the Vice-President, on his annual salary and duty allowance ;
for other members, on their annual salaries.

The Registrar shall be entitled to the payment of a pension equivalent to one-fortieth of his salary in respect of each period of twelve months passed in the service of the Court.

If a person entitled to a pension is re-elected to office, the pension shall cease to be payable during his new term of office ; at the end of this period, however, the amount of this pension shall be determined as provided for above, on the basis of the total period during which he discharged his duties.

Article 4.

Subject to the provisions of Article 3, retiring pensions shall be payable monthly *in arrear* during the lifetime of the beneficiary.

Article 5.

Retiring pensions shall be regarded as coming under the expenses of the Court within the meaning of Article 33 of the Statute of the Court.

Article 6.

The Assembly of the League of Nations may, on the proposal of the Council, amend the present regulations.

Nevertheless, any amendment so made shall not apply to persons elected before the amendment in question was adopted, unless they give their consent thereto."

The Council¹ approved this draft on September 13th, 1929, and proposed it to the Assembly, which adopted it on September 14th.

As regards the third question (repayment of travelling expenses), the Supervisory Commission drew up the following proposed regulations which were also adopted by the Assembly on September 14th, 1929 :

"Article 1.

Members of the Permanent Court of International Justice shall be entitled, in respect of themselves and one near relative, to repayment of travelling expenses necessarily incurred by them in the course of journeys made on duty and to repayment of the cost of one journey every year from the seat of the Court to their homes and back again.

For this purpose, each member will hand in to the Registry a written statement of the place to be regarded as his home.

Judges *ad hoc*, appointed as provided in Article 31 of the Statute of the Court, shall be entitled to repayment of the travelling expenses necessarily incurred by them in the course of their journeys made on duty.

The Registrar of the Court shall be entitled to repayment of travelling expenses necessarily incurred by him in the course of his journeys made on duty, and to repayment of the cost of one journey every year from the seat of the Court to his home and back again.

Article 2.

Journeys made on duty shall comprise :

(1) journeys made necessary by sessions or sittings of the Court held away from the seat of the Court, and by visits to places concerned in proceedings, etc. ;

(2) journeys made necessary by summonses to members of the Court who are away from The Hague on leave or during the vacations of the Court, and to *ad hoc* judges ;

¹ See note 2, p. 92.

(3) in the case of the Registrar, journeys undertaken by him on mission on the Court's behalf or as a 'competent official' within the meaning of the Financial Regulations of the League of Nations.

Article 3.

Members whose homes are distant more than five days' normal travel from The Hague may be reimbursed, instead of for a journey to their homes and back again, for a journey to any other place they may select, provided the cost does not exceed that of a journey to their homes and back again.

Article 4.

Travelling expenses shall be refunded to judges and to the Registrar on presentation of detailed claims for expenses, duly signed by them.

These claims for expenses, countersigned by the Registrar (or, where necessary, by the Deputy-Registrar), who will endorse them 'Certified in conformity with the regulations in force', shall be transmitted by him to the President for signature and final approval. If the Registrar (or Deputy-Registrar, as the case may be) does not feel able to endorse a claim for expenses as indicated above, he shall transmit it, together with a report, to the President, with whom the decision shall rest.

Article 5.

If a journey cannot be effected without a break, the additional hotel and subsistence expenses shall be refunded to the persons concerned."

Before the Assembly was called upon to give its decision on these three questions, its Fourth Committee (budgetary and financial questions) had considered them and had adopted the report of the Supervisory Commission upon them (third meeting of Fourth Committee, September 11th, 1929). On this occasion, the Registrar of the Permanent Court of International Justice, representing the Court before the Committee, made the following statement in reply to certain questions addressed to him ¹:

¹ Extract from the minutes of the Fourth Committee, Geneva, 1929, pp. 15-16.

“Before replying to M. de Modzelewski, he would explain his conception of the revised provisions relating to the granting of pensions to which the Polish delegate had referred. In order to understand the reasons for these provisions, reference should be made to the work of the Committee of Jurists which had examined the Court Statute and had proposed the original draft of the clause in question.

According to the report on this matter, it had been intended that the Court should be entitled to grant its members a pension before the age of 65 years, for reasons based upon the new conditions under which the judges would perform their duties.

What was the meaning of this change? According to a statement made by Mr. Root in the Committee it meant that the conditions that would now be imposed on the judges of the Court might deprive the Court of many persons whose services might be most essential to it. M. Anzilotti, President of the Court, who had taken part in the work in his private capacity—and he would himself particularly emphasize in this connection the fact that it had not been possible to consult the Court, as such, on the revision of the Statute—, following the same line of thought, had stated that ‘in view of the fact that the men to whom application was made held important positions it would not always be easy to find men who would be prepared to give up everything in order to take up duties on the termination of which they would not even be entitled to a pension, pensions being granted only as from the age of 65 years’. He had added that this fact ‘might cause a considerable decrease in the number of persons who would be prepared to perform the duties of judge’.

It was this statement of M. Anzilotti’s that had led to the adoption of the clause regarding pensions which was now under discussion. The clause in question related to the possibility, under special circumstances, of granting a pension to a judge who retired from his duties before the age of 65 years. What were the special circumstances contemplated? In this instance, also, the reply was to be found in the minutes of the Committee of Jurists. The Chairman of the Supervisory Commission, who had taken part in that Committee’s work, had made a statement to the following effect :

‘If a judge, after leaving the Court, returned to his own country, and there exercised his profession or gained his living by other means, he would not be granted a pension. Supposing, however, he did not do so and possessed no private means, then a pension would be granted.’

It was, therefore, in order to prevent the possibility of a judge finding himself without income on the termination of his duties that it had been decided that the Court should be allowed to grant him a pension, even if he had not reached the age of

65 years. Why had this right been accorded to the Court? In order to facilitate its future recruitment, in respect of which serious apprehensions had been felt, and were still felt. He would add that he did not doubt that, had the Court been consulted, it would itself have admitted the same apprehensions. It had been in order to tranquilize these apprehensions as far as might be that this special possibility of granting pensions had been provided, and that the Committee of Jurists had proposed a text in this connection.

How was this idea to be applied? It should be observed, in the first place, that there was a difference between the text proposed by the Committee of Jurists and the text prepared by the Supervisory Commission and now submitted to the Fourth Committee.

It was stated in the Report of the Supervisory Commission in explanation of this difference that the Commission had wished to restrict the scope of the text proposed by the Committee of Jurists more definitely. He understood this statement to mean that the Supervisory Commission had merely wished to give a more exact expression of the intention of the Committee of Jurists itself. The restriction in question related to the drafting of the first paragraph which, it had been considered, was too general to give an exact interpretation of the intention of the Committee of Jurists. The Commission had wished to express the intention of that Committee as explained by M. Osusky, clearly and definitely, but it had not wished to modify it.

Granted, however, that this was the case, what was the decision that the Court was now called upon to take in accordance with the clause? It was a decision on a question of fact: namely, was some particular member of the Court, whose term of office had concluded before he had reached the age of 65, in such a position as to make it desirable to grant him a pension before attaining that age?

He would quote in this connection a statement which M. Politis had made in the Committee of Jurists to the effect that former judges should be assured of an honourable position which was worthy of the duties that they had previously exercised.

Obviously, this decision was a most delicate one, and the Court would no doubt be very glad if it could resort to the Supervisory Commission in order to obtain any technical advice that it might require. He quite shared M. Modzelewski's point of view in this matter. He thought, however, that the interests of the Court itself would dictate such resort to the experience of the Supervisory Commission and that it would consequently take this course spontaneously whenever it thought fit, without there being any need to insert any provision to this effect in the text.

If, moreover, any doubt should arise in this connection, his own statement, which would appear in the minutes, would be enough to remove it."

II.

THE RULES OF COURT.

(1) *Preparation of the Rules.*

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

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

(2) *Revision of the Rules.*

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

The Revised Rules 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 an 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 text of Article 71 as amended is published as an addendum to Volume No. 1 of Series D. above mentioned. The Fourth Annual Report (pp. 72-78) reproduces the documents and extracts from minutes of meetings of the Court relating to this amendment.

Should the amendments to the Statute of the Court, dealt with under No. I above (pp. 56-98), come into force, a fresh revision of the Rules of Court would be necessary.

CHAPTER III.

THE COURT'S JURISDICTION.

I.

JURISDICTION IN CONTESTED CASES.

(1) *Jurisdiction* *ratione materiae*.

According to the first paragraph of Article 36 of the Statute, the jurisdiction of the Court comprises all cases which the Parties refer to it and all matters specially provided for in treaties and conventions in force.

As regards cases which the Parties submit to the Court by special agreement, the document instituting proceedings is that giving notice of the compromis setting out the terms of the agreement. In 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.

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

CASES SUBMITTED BY SPECIAL AGREEMENT.

Name of the case.	Parties.	Date of special agreement.
Interpretation of certain clauses of the Treaty of Neuilly ¹	Bulgaria and Greece	March 18th, 1924
The <i>Lotus</i> case ²	France and Turkey	Oct. 12th, 1926
Free zones of Upper Savoy and the District of Gex ³	France and Switzerland	Oct. 30th, 1924
Payment, in gold, of the Brazilian Federal loans issued in France ⁴	Brazil and France	Aug. 27th, 1927
Payment of various Serbian loans issued in France ⁵	France and Yugoslavia	April 19th, 1928
Jurisdiction of the International Commission of the Oder ⁶	British Empire, Czechoslovakia, Denmark, France, Germany and Sweden, and Poland	Oct. 30th, 1928

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 gives extracts from the relevant portions⁷. This publication, which is periodically brought up to date and completed,

¹ See First Annual Report, p. 180.

² " Fourth " " " " " 166.

³ " p. 201 of this volume, for the order made by the Court on August 19th, 1929; the case is still pending (June 15th, 1930).

⁴ See Fifth Annual Report, p. 216.

⁵ " " " " " " 205.

⁶ " this volume, p. 213.

⁷ 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). The third edition is dated December 15th, 1926 (Series D., No. 5). This third edition is supplemented by four addenda: the first, second and third form Chapter X of the Third, Fourth and Fifth Annual Reports, and the fourth, Chapter X of this volume.

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, a reminder was sent to those governments which had not yet replied on that date. On June 15th, 1930, the following States had accepted the suggestion made:

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

The instruments set out in the *Collection of Texts governing the jurisdiction of the Court* and its addenda may be divided into several categories¹:

A.—*Peace Treaties.*

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

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

(For the list, see Third Annual Report, pp. 40-42.)

¹ The chronological list on pages 108-142 of this volume contains a column showing in which of these publications the relevant clauses of each instrument are to be found.

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

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

D.—*General International Agreements.*

The general international agreements which had come to the knowledge of the Registry on June 15th, 1929, are indicated in the Third Annual Report (pp. 44-46), the Fourth Annual Report (p. 81), and the Fifth Annual Report (p. 98). As on June 15th, 1930, the following are to be added which were concluded at The Hague on April 12th, 1930, at the conclusion of the Conference for the Codification of International Law which was held in that city from March 13th to April 12th, 1930 :

Convention on certain questions relating to the conflict of nationality laws.

Protocol relating to military obligations in certain cases of double nationality.

Protocol relating to a certain case of statelessness.

Special Protocol concerning statelessness.

Article 423 of the Treaty of Versailles and the corresponding articles of the other peace treaties give the Court jurisdiction to deal, amongst other things, with any question or dispute relating to the interpretation of conventions concluded, after coming into force of the treaties and in pursuance of the Part entitled "Labour", by the Members of the International Labour Organization. At the twelfth Labour Conference (Geneva, 1929)¹ the following conventions were adopted :

Convention concerning the marking of the weight on heavy packages transported by vessels.

Convention concerning the protection against accidents of workers employed in loading or unloading ships.

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

A complete list of agreements of this nature which had come to the knowledge of the Registry on June 15th, 1928, is given in the Fourth Annual Report (pp. 81-85). The Fifth Annual Report (pp. 99-100) brought the list up to date as on

¹ See *Third Annual Report* (pp. 45-46), *Fourth Annual Report* (p. 81), and *Fifth Annual Report* (p. 99) for the conventions adopted at the first eleven Labour Conferences.

June 15th, 1929. As on June 15th, 1930, the following are to be added which, together with those contained in the Fourth and Fifth Annual Reports, affect forty-one Powers:

Agreement between Austria and Czechoslovakia.—Prague, December 7th, 1925.

Treaty of commerce between Hungary and Yugoslavia.—Belgrade, July 24th, 1926.

Treaty of commerce and navigation between Albania and Greece.—Athens, October 13th, 1926.

Convention of commerce and navigation between Greece and Norway.—Athens, June 29th, 1927.

Treaty of commerce and navigation between Greece and Yugoslavia.—Athens, November 2nd, 1927.

Agreement between Austria and Italy.—Rome, December 22nd, 1927.

Treaty of friendship, commerce and navigation between Germany and Siam.—Bangkok, April 7th, 1928.

Convention of commerce and navigation between Hungary and Sweden.—Budapest, November 8th, 1928.

Financial Convention between Germany and Roumania.—Berlin, November 10th, 1928.

Commercial Agreement between Esthonia and France.—Paris, March 15th, 1929.

Convention of commerce and navigation between Esthonia and Hungary.—Tallinn, April 29th, 1929.

Convention of commerce and navigation between Hungary and Lithuania.—Budapest, May 16th, 1929.

Treaty of commerce between Bolivia and the Netherlands.—La Paz, May 30th, 1929.

Agreement between Austria and Greece.—Vienna, December 27th, 1929.

Convention between Austria and Belgium.—The Hague, January 18th, 1930.

Agreement (with Germany).—The Hague, January 20th, 1930.

Declaration by the representatives of the German Government (Annex 1 to the Agreement of January 20th, 1930).—The Hague, January 20th, 1930.

Agreement No. I (with Hungary).—Paris, April 28th, 1930.

Agreement No. II (between Czechoslovakia, Hungary, Roumania and Yugoslavia).—Paris, April 28th, 1930.

Agreement No. III (working of an agrarian fund).—Paris, April 28th, 1930.

Agreement No. IV (between Czechoslovakia, France, Great Britain, Italy, Roumania and Yugoslavia—concerning the constitution of a special fund).—Paris, April 28th, 1930.

Agreement between Hungary and Roumania.—Paris, April 28th, 1930.

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, 1929, is given in the Third Annual Report (pp. 49-50), the Fourth Annual Report (p. 85), and the Fifth Annual Report (p. 100).

To this table the following is to be appended as on June 15th, 1930 :

Convention to regulate the hydro-electric development of the international section of the river Douro between Portugal and Spain.—Lisbon, August 11th, 1927.

G.—*Treaties of arbitration and conciliation.*

On pages 85-89 of the Fourth Annual Report, and pages 100-101 of the Fifth Annual Report, a complete list of instruments of this nature, which had come to the knowledge of the Registry on June 15th, 1929, is given.

As on June 15th, 1930, the following are to be added which, together with those set out in the Fourth and Fifth Annual Reports, affect thirty-five Powers :

Treaty of arbitration and conciliation between Germany and Lithuania.—Berlin, January 29th, 1928.

Treaty of conciliation and arbitration between Hungary and Poland.—Warsaw, November 30th, 1928.

Protocol annexed to the Treaty of neutrality, conciliation and arbitration between Hungary and Turkey.—Budapest, January 5th, 1929.

- Treaty of conciliation, judicial settlement and arbitration between Hungary and Spain.—Madrid, June 10th, 1929.
- Treaty of conciliation and arbitration between Bulgaria and Hungary.—Budapest, July 22nd, 1929.
- Treaty of judicial settlement, arbitration and conciliation between Czechoslovakia and the Netherlands.—Geneva, September 14th, 1929.
- Treaty of judicial settlement, arbitration and conciliation between Luxemburg and the Netherlands.—Geneva, September 17th, 1929.
- Treaty of conciliation, judicial settlement and arbitration between Czechoslovakia and Switzerland.—Geneva, September 20th, 1929.
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TABLE IN CHRONOLOGICAL ORDER
OF INSTRUMENTS IN FORCE, OR SIGNED ONLY,
GOVERNING THE COURT'S JURISDICTION ¹.

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1919.				D ²	
June 28th	Versailles	Treaty of Peace	Allied and Associated Powers and Germany	No. 5	11
June 28th	Versailles	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Poland	„	12
Sept. 10th	Saint-Germain-en-Laye	Treaty of Peace	Allied and Associated Powers and Austria	„	13
Sept. 10th	Saint-Germain-en-Laye	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Yugoslavia	„	14
Sept. 10th	Saint-Germain-en-Laye	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Czechoslovakia	„	15

¹ The relevant clauses of these instruments are reproduced either in the *Collection of Texts governing the jurisdiction of the Court*, third edition (Publications of Court, Series D., No. 5), or in Chapter X of the Court's *Third Annual Report* (first addendum to the third edition of the *Collection*), or in Chapter X of the *Fourth Annual Report* (second addendum to the *Collection*), or in Chapter X of the *Fifth Annual Report* (third addendum to the *Collection*), or in Chapter X of the present volume (fourth addendum to the *Collection*). The two last columns of the present table indicate the number which each instrument bears and the volume in which it is mentioned.

² The abbreviation D., No. 5, means: *The Collection of Texts governing the jurisdiction of the Court* (third edition). The abbreviation E., No. 3, means: *Third Annual Report of the Court* (June 15th, 1926—June 15th, 1927), Chapter X. The abbreviation E., No. 4, means: *Fourth Annual Report of the Court* (June 15th, 1927—June 15th, 1928), Chapter X. The abbreviation E., No. 5, means: *Fifth Annual Report of the Court* (June 15th, 1928—June 15th, 1929). The abbreviation E., No. 6, means: *Sixth Annual Report of the Court* (June 15th, 1929—June 15th, 1930), i.e. the present volume (Chapter X).

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1919 <i>(Cont.)</i>					
Sept. 10th	Paris	Convention for the control of the trade in arms and ammunition	Collective Treaty	D No. 5	16
Sept. 10th	Saint-Germain-en-Laye	Convention relating to the liquor traffic in Africa	Belgium, British Empire, France, Italy, Japan, Portugal, United States of America	„	17
Oct. 13th	Paris	Convention for the regulation of air navigation	Collective Treaty	„	18
Nov. 27th	Neuilly-sur-Seine	Treaty of Peace	Allied and Associated Powers and Bulgaria	„	19
Nov. 28th	Washington	Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week	Collective Treaty	„	20
Nov. 28th	Washington	Convention concerning unemployment	Collective Treaty	„	21
Nov. 28th	Washington	Convention concerning night work of women	Collective Treaty	„	22
Nov. 28th	Washington	Convention fixing the minimum age for admission of children to industrial employment	Collective Treaty	„	23
Nov. 28th	Washington	Convention concerning the night work of young persons employed in industry	Collective Treaty	„	24

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1919					
<i>(Cont.)</i>					
Nov. 29th	Washington	Convention concerning employment of women before and after childbirth	Collective Treaty	D No. 5	25
Dec. 9th	Paris	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Roumania	„	26
1920.					
March 26th	Stockholm	Convention concerning the establishment of a conciliation commission	Chile and Sweden	E No. 4	203
June 4th	Trianon	Treaty of Peace	Allied and Associated Powers and Hungary	D No. 5	27
July 9th	Genoa	Convention fixing the minimum age for admission of children to employment at sea	Collective Treaty	„	28
July 9th	Genoa	Convention concerning unemployment indemnity in case of loss or foundering of the ship	Collective Treaty	„	29
July 10th	Genoa	Convention for establishing facilities for finding employment for seamen	Collective Treaty	„	30

INSTRUMENTS GOVERNING THE COURT'S JURISDICTION III

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1920					
<i>(Cont.)</i>					
Aug.	10th	Sèvres	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Greece	D No. 5 31
Aug.	10th	Sèvres	Treaty (so-called "Minorities")	Principal Allied Powers and Armenia	" 32
Nov.	9th	Paris	Convention	Poland and the Free City of Danzig	" 33
Dec.	17th	Geneva	Mandate for German South-West Africa	Conferred on His Britannic Majesty to be exercised in His name by the Government of the Union of South Africa	" 34
Dec.	17th	Geneva	Mandate for German Samoa	Conferred on His Britannic Majesty to be exercised in His name by the Government of the Dominion of New Zealand	" 35
Dec.	17th	Geneva	Mandate for Nauru	Conferred on His Britannic Majesty	" 36
Dec.	17th	Geneva	Mandate for the 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 Government of the Commonwealth of Australia	" 37

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Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1920 (Cont.).					D	
Dec.	17th	Geneva	Mandate for the former German colonies in the Pacific Ocean situated north of the equator	Conferred on His Majesty the Emperor of Japan	No. 5	38
1921.						
April	20th	Barcelona	Convention and Statute on freedom of transit	Collective Treaty	„	39
April	20th	Barcelona	Convention and Statute on the régime of navigable waterways of international concern	Collective Treaty	„	40
June	24th	Geneva	Agreement in regard to the Aaland Islands	Finland and Sweden	„	41
July	23rd	Paris	Convention on the Statute of the Danube	Austria, Belgium, Great Britain, Bulgaria, Czechoslovakia, France, Germany, Greece, Hungary, Italy, Yugoslavia	„	42
July	27th	Copenhagen	Convention on air navigation	Denmark and Norway	„	43

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1921					
<i>(Cont.)</i>					
Oct. 2nd	Geneva	Declaration made before the Council of the League of Nations in regard to the protection of minorities in Albania	Albania	D No. 5	44
Oct. 29th	Helsingfors	Treaty of commerce and navigation	Esthonia and Finland	„	45
Nov. 11th	Geneva	Convention concerning the compulsory medical examination of children and young persons employed at sea	Collective Treaty	„	46
Nov. 11th	Geneva	Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers	Collective Treaty	„	47
Nov. 12th	Geneva	Convention concerning workmen's compensation in agriculture	Collective Treaty	„	48
Nov. 12th	Geneva	Convention concerning the rights of association and combination of agricultural workers	Collective Treaty	„	49

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1921					
<i>(Cont.)</i>					
Nov. 16th	Geneva	Convention relating to the age at which children are to be admitted to agricultural work	Collective Treaty	D No. 5	50
Nov. 17th	Geneva	Convention concerning the application of the weekly rest in industrial undertakings	Collective Treaty	„	51
Nov. 19th	Geneva	Convention concerning the use of white lead in painting	Collective Treaty	„	52
Nov. 23rd	Portorose	Agreement for the regulation of international railway traffic	Austria, Czechoslovakia, Hungary, Italy, Poland, Roumania, Yugoslavia	„	53
Dec. 16th	Prague	Political Agreement	Austria and Czechoslovakia	„	54
1922.					
Feb. 22nd	Dresden	Convention instituting the Statute of navigation of the Elbe	Belgium, Czechoslovakia, France, Germany, Great Britain, Italy	„	55
March 17th	Warsaw	Political Convention	Esthonia, Finland, Latvia, Poland	„	56

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1922					
<i>(Cont.)</i>					
May	12th	Geneva	Declaration before the Council of the League of Nations concerning the protection of minorities in Lithuania	Lithuania	D No. 5 57
May	15th	Geneva	Convention with reference to Upper Silesia	Germany and Poland	„ 58
June	26th	Warsaw	Commercial Convention	Poland and Switzerland	„ 59
July	20th	London	Mandate for East Africa	Conferred on His Majesty the King of the Belgians	„ 60
July	20th	London	Mandate for East Africa	Conferred on His Britannic Majesty	„ 61
July	20th	London	Mandate for the Cameroons	Conferred on His Britannic Majesty	„ 62
July	20th	London	Mandate for the Cameroons	Conferred on the French Republic	„ 63
July	20th	London	Mandate for Togoland	Conferred on His Britannic Majesty	„ 64
July	20th	London	Mandate for Togoland	Conferred on the French Republic	„ 65
July	24th	London	Mandate for Palestine	Conferred on His Britannic Majesty	„ 66
July	24th	London	Mandate for Syria and Lebanon	Conferred on the French Republic	„ 67
Oct.	4th	Geneva	Protocols Nos. II and III relating to the restoration of Austria	Austria, British Empire, Czechoslovakia, France, Italy	„ 68-69

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1922					
<i>(Cont.)</i>					
Oct.	7th	Prague	Commercial Treaty	Czechoslovakia and Latvia	D No. 5 70
Oct.	10th	Bagdad	Treaty of alliance	Great Britain and Iraq	„ 71
Oct.	19th	Tallinn	Commercial Treaty	Esthonia and Hungary	„ 72
1923.					
Jan.	20th	The Hague	Commercial Convention	Czechoslovakia and The Netherlands	„ 73
Feb.	24th	Montevideo	Convention concerning the establishment of a conciliation commission	Sweden and Uruguay	E No. 4 204
Feb.	28th	Montevideo	General compulsory Arbitration Treaty	Uruguay and Venezuela	D No. 5 74
April	10th	Budapest	Agreement relating to arbitration	Austria and Hungary	„ 75
May	26th	Stockholm	Convention relating to air navigation	Norway and Sweden	„ 76
June	23rd	Washington	Agreement for the renewal of Arbitration Convention	British Empire and the United States of America	„ 77
July	7th	Geneva	Declaration to the Council of the League of Nations concerning the protection of minorities	Latvia	„ 78

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers
1923					
<i>(Cont.)</i>					
July	19th	Washington	Agreement for the renewal of Arbitration Convention	France and the United States of America	D No. 5 79
July	24th	Lausanne	Treaty of Peace	British Empire, France, Greece, Italy, Japan, Roumania, Turkey	„ 80
July	24th	Lausanne	Declaration relating to the administration of justice	Turkey	„ 81
July	24th	Lausanne	Convention relating to the compensation payable by Greece to Allied nationals	British Empire, France, Greece, Italy	„ 82
Aug.	23rd	Washington	Agreement for the renewal of Arbitration Convention	Japan and the United States of America	„ 83
Sept.	5th	Washington	Agreement extending the Arbitration Convention	United States of America and Portugal	E No. 3 170
Sept.	12th	Geneva	Convention for the suppression of the circulation of and traffic in obscene publications	Collective Treaty	D No. 5 84
Sept.	17th	Geneva	Resolution of the Council of the League of Nations relating to the protection of minorities in Esthonia	—	„ 85

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1923					
<i>(Cont.)</i>					
Nov.	1st	Tallinn	Treaty of defensive alliance	Esthonia and Latvia	D No. 5 86
Nov.	1st	Tallinn	Preliminary Treaty for Economic and Customs Union	Esthonia and Latvia	E No. 3 171
Nov.	3rd	Geneva	International Convention for the simplification of customs formalities	Collective Treaty	D No. 5 87
Nov.	19th	Riga	Treaty of commerce and navigation	Hungary and Latvia	„ 88
Nov.	26th	Washington	Agreement for the renewal of Arbitration Convention	Norway and the United States of America	„ 89
Dec.	9th	Geneva	Convention and Statute on the international régime of railways	Collective Treaty	„ 90
Dec.	9th	Geneva	Convention and Statute on the international régime of maritime ports	Collective Treaty	„ 91
Dec.	9th	Geneva	Convention relating to the transmission in transit of electric power	Collective Treaty	„ 92
Dec.	9th	Geneva	Convention relating to the development of hydraulic power	Collective Treaty	„ 93

INSTRUMENTS GOVERNING THE COURT'S JURISDICTION II9

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1923					
<i>(Cont.)</i>					
Dec.	18th	Paris	Convention regarding the organization of the Statute of the Tanger Zone	British Empire, France, Spain	D No. 5 94
1924.					
Jan.	25th	Paris	Treaty of alliance and friendship	Czechoslovakia and France	„ 95
Feb.	13th	Washington	Agreement for the renewal of Arbitration Convention	The Netherlands and the United States of America	„ 96
March	14th	Geneva	Protocol No. II relating to the financial reconstruction of Hungary	Hungary	„ 97
April	14th	Bucharest	Convention concerning the Hydraulic System of the Coterminous Territories and the dissolution of the Floods Protection Associations, divided by the frontier	Hungary and Roumania	E No. 3 172
April	28th	Oslo	Convention relating to the frontier between Finmark and Petsamo	Finland and Norway	D No. 5 98
May	8th	Paris	Convention relating to the transfer of the Memel territory	British Empire, France, Italy, Japan, Lithuania	„ 99

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924 (Cont.).				D	
May 30th	Warsaw	Treaty of commerce and navigation	The Netherlands and Poland	No. 5	100
June 2nd	Stockholm	Treaty of conciliation	Sweden and Switzerland	„	101
June 6th	Copenhagen	Treaty of conciliation	Denmark and Switzerland	„	102
June 10th	Kovno	Exchange of notes constituting a provisional arrangement with regard to commerce and navigation	Lithuania and The Netherlands	„	103
June 18th	Budapest	Treaty of conciliation and arbitration	Hungary and Switzerland	„	104
June 23rd	Rio de Janeiro	Treaty concerning the judicial settlement of disputes	Brazil and Switzerland	„	105
June 24th	Washington	Arbitration Convention	United States of America and Sweden	E No. 3	173
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Denmark and Sweden	D No. 5	106
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Denmark and Norway	„	107

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924					
<i>(Cont.)</i>					
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Denmark and Finland	D No. 5	108
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Finland and Norway	E No. 3	174
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Finland and Sweden	„	175
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Norway and Sweden	„	176
July 2nd	Riga	Treaty of commerce	Latvia and The Netherlands	D No. 5	109
July 9th	Copenhagen	Convention concerning Eastern Greenland	Denmark and Norway	„	110
July 22nd	Tallinn	Provisional Commercial Treaty	Esthonia and The Netherlands	„	111
Aug. 9th	Riga	Treaty of commerce and navigation	Austria and Latvia	E No. 4	205
Aug. 14th	Oslo	Treaty of commerce and navigation	Latvia and Norway	D No. 5	112

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924					
<i>(Cont.)</i>					
Aug.	21st	Washington	Convention respecting the regulation of the liquor traffic	The Netherlands and the United States of America	D No. 5 113
Aug.	29th	Berlin	Arbitration and Conciliation Treaty	Germany and Sweden	„ 114
Aug.	30th	London	Agreement relating to the arrangement of August 9th, 1924, between the German Government and the Reparation Commission	Allied Governments and German Government	„ 115
Aug.	30th	London	Agreement	Allied Governments and German Government	„ 116
Aug.	30th	London	Agreement	Allied Governments	„ 117
Sept.	20th	Rome	Treaty of conciliation and judicial settlement	Italy and Switzerland	„ 118
Sept.	27th	Geneva	Decision of the Council of the League of Nations relating to the application to Iraq of the principles of Article 22 of the Covenant (British Mandate for Iraq)	British Empire	„ 119

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924 (Cont.)					D	
Oct.	2nd	Geneva	Resolutions relating to the pacific settlement of international disputes adopted by the 5th Assembly of the League of Nations	—	No. 5	120
Oct.	11th	Vienna	Treaty of conciliation	Austria and Switzerland	„	121
Nov.	3rd	Riga	Treaty of commerce and navigation	Denmark and Latvia	„	122
Nov.	9th	London	Agreement for the renewal of Arbitration Convention	Great Britain and Sweden	„	123
Dec.	2nd	London	Treaty of commerce and navigation	Germany and Great Britain	„	124
Dec.	4th	Berlin	Commercial Convention	Latvia and Switzerland	„	125
Dec.	9th	The Hague	Treaty of commerce	Hungary and The Netherlands	„	126
Dec.	26th	Tokio	Treaty of judicial settlement	Japan and Switzerland	„	127
1925.						
Jan.	17th	Helsingfors	Conciliation and Arbitration Convention	Esthonia, Finland, Latvia, Poland	„	128
Feb.	13th	Brussels	Treaty of conciliation and judicial settlement	Belgium and Switzerland	„	129

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925 (Cont.).					
Feb.	14th	Oslo	Convention concerning the international legal régime of the waters of the Pasvik (Patsjoki) and of the Jakobselv (Vuoremajoki)	Finland and Norway	E No. 3 177
Feb.	14th	Oslo	Convention concerning the floating of timber on the Pasvik (Patsjoki)	Finland and Norway	„ 178
D					
Feb.	14th	Paris	Treaty of friendship, commerce and navigation	France and Siam	No. 5 130
Feb.	19th	Geneva	Convention concerning opium	Collective Treaty	„ 131
March	7th	Berne	Treaty of conciliation and arbitration	Poland and Switzerland	„ 132
March	28th	Riga	Conciliation Convention	Latvia and Sweden	„ 133
April	6th	Paris	Treaty of conciliation and of compulsory arbitration	France and Switzerland	„ 134
April	17th	Warsaw	Exchange of notes constituting a provisional commercial Convention	Greece and Poland	„ 135
April	23rd	Warsaw	Treaty of conciliation and arbitration	Czechoslovakia and Poland	„ 136

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925					
<i>(Cont.)</i>					
May	13th	London	Agreement for the renewal of Arbitration Convention	Great Britain and Norway	No. 5 137
May	29th	Tallinn	Treaty of conciliation	Esthonia and Sweden	„ 138
June	5th	Geneva	Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents	Collective Treaty	„ 139
June	8th	Geneva	Convention relating to night work in bakeries	Collective Treaty	„ 140
June	8th	The Hague	Treaty of friendship, commerce and navigation	The Netherlands and Siam	„ 141
June	10th	Geneva	Convention concerning workmen's compensation for accidents	Collective Treaty	„ 142
June	10th	Geneva	Convention concerning workmen's compensation for occupational diseases	Collective Treaty	„ 143
June	11th	Kovno	Treaty of conciliation	Lithuania and Sweden	„ 144
June	17th	Geneva	Convention concerning the supervision of the in-	Collective Treaty	„ 145

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925 (Cont.).					
July	7th Brussels	International trade in arms and ammunition and implements of war Treaty of commerce and navigation	The Economic Union of Belgium and Luxemburg and Latvia	E No. 4	206
July	12th London	Agreement for the renewal of Arbitration Convention	Great Britain and The Netherlands	D No. 5	146
July	14th London	Treaty of commerce and navigation	United Kingdom and Siam	E No. 3	179
July	15th Paris	Treaty of judicial settlement	Brazil and Liberia	E No. 5	251
Aug.	3rd Madrid	Treaty of friendship, commerce and navigation	Siam and Spain	E No. 4	207
Aug.	14th Paris	Frontier Delimitation Treaty	France and Germany	E No. 5	252
Aug.	14th Lisbon	Treaty of friendship, commerce and navigation	Portugal and Siam	E No. 4	208
Aug.	21st Oslo	Treaty of conciliation	Norway and Switzerland	D No. 5	147
Sept.	1st Copenhagen	Treaty of friendship, commerce and navigation	Denmark and Siam	E No. 3	180
Sept.	21st Geneva	Treaty of conciliation and judicial settlement	Greece and Switzerland	D No. 5	148
Oct.	14th Berne	Commercial Convention	Esthonia and Switzerland	E No. 3	181
Oct.	16th Locarno	Arbitration Convention	Belgium and Germany	D No. 5	149

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925					
<i>(Cont.)</i>					
Oct.	16th	Locarno	Arbitration Convention	France and Germany	D No. 5 150
Oct.	16th	Locarno	Arbitration Treaty	Germany and Poland	„ 151
Oct.	16th	Locarno	Arbitration Treaty	Czechoslovakia and Germany	„ 152
Oct.	23rd	Stockholm	Exchange of notes prolonging and interpreting the Arbitration Convention of October 26th, 1905	Norway and Sweden	„ 153
Nov.	3rd	Stockholm	Treaty of conciliation and arbitration	Poland and Sweden	E No. 4 209
Nov.	25th	Oslo	Convention for the pacific settlement of disputes	Norway and Sweden	D No. 5 154
Nov.	25th	London	Arbitration Convention	Great Britain and Siam	E No. 3 182
Nov.	26th	Berlin	Protocol attached to Customs and Credit Treaty	Germany and The Netherlands	„ 183
Dec.	7th	Prague	Agreement regarding the execution of Articles 266 (last paragraph) and 273 of the Treaty of Saint-Germain	Austria and Czechoslovakia	E No. 6 286
Dec.	12th	The Hague	Treaty of conciliation	Switzerland and The Netherlands	D No. 5 155
Dec.	19th	Stockholm	Treaty of friendship, commerce and navigation	Siam and Sweden	E No. 4 210

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926						
Jan.	2nd	Prague	Treaty of conciliation and arbitration	Czechoslovakia and Sweden	D No. 5	156
Jan.	14th	Stockholm	Convention for the pacific settlement of disputes	Denmark and Sweden	E No. 3	184
Jan.	15th	Copenhagen	Convention for the pacific settlement of disputes	Denmark and Norway	„	185
Jan.	29th	Helsingfors	Treaty for the pacific settlement of disputes	Finland and Sweden	D No. 5	157
Jan.	30th	Helsingfors	Arbitration Treaty	Denmark and Finland	„	158
Feb.	2nd	Jerusalem	Agreement to facilitate neighbourly relations	Palestine, Syria and Great Lebanon	E No. 4	211
Feb.	3rd	Berne	Treaty of compulsory conciliation, of judicial settlement and of arbitration	Roumania and Switzerland	D No. 5	159
Feb.	3rd	Helsingfors	Convention for the pacific settlement of disputes	Finland and Norway	E No. 3	186
Feb.	10th	Monrovia	Arbitration Convention	United States of America and Liberia	„	187
March	4th	Havana	Convention for prevention of smuggling of intoxicating liquors	United States of America and Cuba	„	188

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926 (Cont.).						
March	5th	Vienna	Treaty of conciliation and arbitration	Austria and Czechoslovakia	D No. 5	160
April	16th	Vienna	Treaty of conciliation and arbitration	Austria and Poland	E No. 3	189
April	20th	Madrid	Treaty of conciliation and arbitration	Spain and Switzerland	D No. 5	161
April	23rd	Copenhagen	Treaty of conciliation and arbitration	Denmark and Poland	„	162
April	30th	Brussels	Treaty of conciliation and arbitration	Belgium and Sweden	E No. 4	212
May	4th	Prague	Convention concerning the execution of life insurance and life annuity contracts	Czechoslovakia and Italy	„	213
May	9th	Rome	Treaty of friendship, commerce and navigation	Italy and Siam	„	214
May	12th	Athens	Commercial Convention	Greece and The Netherlands	E No. 3	190
May	20th	The Hague	Treaty of arbitration and conciliation	Germany and The Netherlands	D No. 5	163
May	28th	Stockholm	Treaty of conciliation and arbitration	Austria and Sweden	„	164

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926 (Cont.).					E	
May	30th	Angora	Convention of friendship and neighbourly relations	France and Turkey	No. 4	215
June	2nd	Berlin	Treaty of arbitration and conciliation	Denmark and Germany	No. 5	165
June	4th	London	Convention renewing the Arbitration Convention of October 25th, 1905	Denmark and Great Britain	No. 3	191
June	4th	London	Convention renewing, as far as Iceland is concerned, the Anglo-Danish Arbitration Convention of October 25th, 1905	Great Britain and Iceland	„	192
June	5th	Geneva	Convention for the simplification of the inspection of emigrants on board ship	Collective Treaty	No. 5	166
June	10th	Paris	Convention for the pacific settlement of disputes	France and Roumania	No. 3	193
June	19th	Paris	Agreement regarding the sanitary control over Mecca Pilgrims at Kamaran Island	United Kingdom and The Netherlands	No. 4	216
June	23rd	Geneva	Convention concerning the repatriation of seamen	Collective Treaty	No. 5	167

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926 (Cont.).					D	
June	24th	Geneva	Convention concerning seamen's articles of agreement	Collective Treaty	No. 5	168
					E	
June	28th	Riga	Treaty concerning the establishment of economic relations	Germany and Latvia	No. 4	217
					E	
July	5th	Paris	Treaty of arbitration	Denmark and France	„	218
					E	
July	16th	London	Treaty of commerce and navigation	Great Britain and Greece	No. 3	194
					E	
July	16th	Oslo	Treaty of friendship, commerce and navigation	Norway and Siam	„	195
					E	
July	23rd	London	Treaty of commerce and navigation	United Kingdom and Hungary	No. 4	219
					E	
July	24th	Belgrade	Treaty of commerce	Hungary and Yugoslavia	No. 6	287
					D	
Aug.	7th	Madrid	Treaty of friendship and arbitration	Italy and Spain	No. 5	169
					E	
Aug.	27th	Berne	Convention regulating the relations with regard to certain clauses of the legal régime of the future Kembs Derivation	France and Switzerland	No. 5	253
					E	
Sept.	7th	Port-au-Prince	Treaty of commerce	Haiti and The Netherlands	No. 3	196

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926 <i>(Cont.)</i>					
Sept.	10th	Athens	Provisional Commercial Convention	Greece and Sweden	E No. 4 220
Sept.	18th	Geneva	Treaty of conciliation and arbitration	Poland and Yugoslavia	,, 221
Sept.	25th	Geneva	Convention regarding slavery	Collective Treaty	E No. 3 197
Sept.	28th	Brussels	Treaty of commerce and navigation	Esthonia and the Economic Union of Belgium and Luxemburg	,, 198
Oct.	13th	Athens	Treaty of commerce and navigation	Albania and Greece	E No. 6 288
Nov.	29th	Athens	Provisional Commercial Convention	Greece and Switzerland	E No. 4 222
Nov.	30th	Prague	Arbitration Treaty	Denmark and Czechoslovakia	,, 223
Dec.	11th	Kovno	Treaty of conciliation and arbitration	Denmark and Lithuania	,, 224
Dec.	18th	Tallinn	Treaty of conciliation	Denmark and Esthonia	E No. 3 199
Dec.	29th	Lisbon	Exchange of notes concerning the abrogation of the Arbitration Convention of November 15th, 1907	Portugal and Sweden	E No. 4 225
Dec.	29th	Rome	Treaty of conciliation and arbitration	Germany and Italy	E No. 4 226

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1927.					
Jan.	4th	London	Agreement renewing the Arbitration Convention	Great Britain and Portugal	E No. 3 200
Feb.	5th	Riga	Treaty carrying into effect the Customs Union	Esthonia and Latvia	„ 201
Feb.	9th	Oslo	Convention of commerce and navigation	Chile and Norway	E No. 5 254
Feb.	24th	Rome	Treaty of conciliation and judicial settlement	Chile and Italy	„ 255
Feb.	25th	Riga	Convention of commerce and navigation	Greece and Latvia	E No. 4 227
March	3rd	Brussels	Treaty of conciliation, judicial settlement and arbitration	Belgium and Denmark	„ 228
March	4th	Stockholm	Treaty of conciliation and arbitration	Belgium and Finland	„ 229
March	24th	Brussels	Convention concerning the application of maritime health regulations	Belgium and The Netherlands	„ 230
April	5th	Rome	Treaty of friendship, conciliation and arbitration	Hungary and Italy	E No. 3 202
May	12th	Guatemala	Treaty of commerce	Guatemala and The Netherlands	E No. 4 231

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1927 (Cont.).					E	
May	12th	London	Treaty of commerce and navigation	Great Britain and Yugoslavia	No. 5	256
May	20th	Berlin	Convention regarding air navigation	Germany and Italy	No. 4	232
May	21st	The Hague	Treaty of conciliation	The Netherlands and Sweden	"	233
June	15th	Geneva	Convention concerning sickness insurance for workers in industry and commerce and domestic servants	Collective Treaty	"	234
June	15th	Geneva	Convention concerning sickness insurance for agricultural workers	Collective Treaty	"	235
June	20th	Tallinn	Treaty of commerce	Czechoslovakia and Esthonia	No. 5	257
June	29th	Berlin	Convention concerning air navigation	Germany and Great Britain	No. 4	236
June	29th	Athens	Convention of commerce and navigation	Greece and Norway	No. 6	289
July	9th	Brussels	Treaty of conciliation, judicial settlement and arbitration	Belgium and Portugal	No. 5	258
July	12th	Geneva	International Convention establishing an international Relief Union	Collective Treaty	No. 4	237

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1927					
<i>(Cont.)</i>					
July	19th	Brussels	Treaty of conciliation, judicial settlement and arbitration	Belgium and Spain	E No. 4 238
Aug.	11th	Lisbon	Convention to regulate the hydroelectric development of the international section of the river Douro	Portugal and Spain	E No. 6 290
Aug.	17th	Paris	Commercial Agreement	France and Germany	E No. 5 259
Aug.	20th	Berne	Treaty of conciliation, judicial settlement and arbitration	Colombia and Switzerland	E No. 4 239
Sept.	13th	London	Treaty of conciliation	Colombia and Sweden	„ 240
Sept.	17th	Rome	Treaty of conciliation and judicial settlement	Italy and Lithuania	„ 241
Nov.	2nd	Athens	Treaty of commerce and navigation	Greece and Yugoslavia	E No. 6 291
Nov.	8th	Geneva	Convention for the abolition of Import and Export Prohibitions and Restrictions	Collective Treaty	E No. 4 242
Nov.	16th	Berne	Treaty of conciliation and judicial settlement	Finland and Switzerland	„ 243
Dec.	22nd	Rome	Agreement concerning the execution of Articles 266 (last paragraph) and 273 of the Treaty of Saint-Germain	Austria and Italy	E No. 6 292

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1928					E	
Jan.	2nd	Madrid	Convention of commerce and navigation	Denmark and Spain	No. 4	244
Jan.	18th	Lisbon	Treaty of conciliation, judicial settlement and arbitration	Spain and Portugal	No. 5	260
Jan.	28th	The Hague	Draft Protocol bestowing on the Court jurisdiction to construe conventions of private international law	(Adopted by the Sixth Session of the Conference of Private International Law)	No. 4	245
Jan.	29th	Berlin	Treaty of arbitration and conciliation	Germany and Lithuania	No. 6	293
March	3rd	Paris	Treaty of conciliation and arbitration	France and Sweden	No. 4	246
March	10th	Geneva	Treaty of arbitration and conciliation	France and The Netherlands	No. 5	261
March	14th	Copenhagen	Treaty of conciliation, judicial settlement and arbitration	Denmark and Spain	No. 4	247
March	22nd	Madrid	General Convention for air navigation	France and Spain	No. 5	262
April	6th	Vienna	Treaty of commerce	Austria and Denmark	„	263
April	7th	Bangkok	Treaty of friendship, commerce and navigation	Germany and Siam	No. 6	294

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1928					
<i>(Cont.)</i>					
April 19th	Paris	Arbitration Agreement	France and Yugoslavia	E No. 4	248
April 26th	Madrid	Treaty of conciliation, judicial settlement and arbitration	Spain and Sweden	,,	249
May 11th	Rome	Convention regarding air navigation	Austria and Italy	E No. 5	264
May 16th	Paris	Commercial Agreement	Austria and France	E No. 4	250
May 30th	Rome	Treaty of neutrality, conciliation and judicial settlement	Italy and Turkey	E No. 5	265
May 31st	Helsinki	Treaty of conciliation, judicial settlement and arbitration	Finland and Spain	,,	266
June 9th	Geneva	Treaty of conciliation	Finland and The Netherlands	,,	267
June 11th	Vienna	Treaty of conciliation, judicial settlement and arbitration	Austria and Spain	,,	268
June 16th	Geneva	Convention concerning the creation of minimum wage-fixing machinery	Collective Treaty	E No. 5	269
July 11th	Geneva	International Agreement relating to the exportation of hides and skins	Collective Treaty	,,	270

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1928 (Cont.).					
July	11th	Geneva	International Agreement relating to the exportation of bones	Collective Treaty	E No. 5 271
Aug.	21st	Helsinki	Treaty of conciliation and judicial settlement	Finland and Italy	„ 272
Aug.	22nd	Berlin	Convention of commerce and navigation	Denmark and Greece	„ 273
Aug.	29th	Berne	Protocol amending the Treaty of arbitration and conciliation of December 3rd, 1921	Germany and Switzerland	„ 274
Sept.	1st	Pretoria	Treaty of commerce and navigation	Germany and Union of South Africa	„ 275
Sept.	11th	Pretoria	Convention regulating the introduction of native labour from Mozambique into the Province of the Transvaal, etc.	Portugal and Union of South Africa	„ 276
Sept.	26th	Geneva	General Act for conciliation, judicial settlement and arbitration	Collective Treaty	„ 277
Oct.	17th	Berne	Treaty of conciliation, judicial settlement and arbitration	Portugal and Switzerland	„ 278

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1928					
<i>(Cont.)</i>					
Oct.	27th	The Hague	Treaty of judicial settlement and conciliation	The Netherlands and Siam	E No. 5 279
Oct.	30th	Berlin	Treaty of commerce and navigation	Germany and Lithuania	,, 280
Nov.	8th	Budapest	Convention of commerce and navigation	Hungary and Sweden	E No. 6 295
Nov.	10th	Berlin	Convention for the purpose of terminating the existing financial disputes	Germany and Roumania	,, 296
Nov.	30th	Warsaw	Treaty of conciliation and arbitration	Hungary and Poland	,, 297
Dec.	3rd	Helsinki	Protocol amending the Treaty of arbitration and conciliation of March 14th, 1925	Finland and Germany	E No. 5 281
Dec.	9th	Angora	Treaty of conciliation, judicial settlement and arbitration	Switzerland and Turkey	,, 282
Dec.	11th	Warsaw	Treaty of commerce	Austria and Esthonia	,, 283
Dec.	12th	Budapest	Treaty of conciliation and arbitration	Finland and Hungary	,, 284
1929.					
Jan.	5th	Budapest	Protocol annexed to Treaty of neutrality, conciliation and arbitration	Hungary and Turkey	E No. 6 298

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1929 (Cont.).					
March	15th	Paris	Commercial Agreement	Esthonia and France	E No. 6 299
April	20th	Geneva	International Convention for the suppression of counterfeiting currency	Collective Treaty	E No. 5 285
April	29th	Tallinn	Treaty of commerce and navigation	Esthonia and Hungary	E No. 6 300
May	16th	Budapest	Convention of commerce and navigation	Hungary and Lithuania	„ 301
May	30th	La Paz	Treaty of commerce	Bolivia and The Netherlands	„ 302
June	10th	Madrid	Treaty of conciliation, judicial settlement and arbitration	Hungary and Spain	„ 303
June	21st	Geneva	Convention concerning the marking of the weight on heavy packages transported by vessels	Collective Treaty	„ 304
June	21st	Geneva	Convention concerning the protection against accidents of workers employed in loading or unloading ships	Collective Treaty	„ 305
July	22nd	Budapest	Treaty of conciliation and arbitration	Bulgary and Hungary	„ 306

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1929					
<i>(Cont.)</i>					
Sept. 14th	Geneva	Treaty of judicial settlement, arbitration and conciliation	Czechoslovakia and The Netherlands	E No. 6	307
Sept. 17th	Geneva	Treaty of judicial settlement, arbitration and conciliation	Luxemburg and The Netherlands	„	308
Sept. 20th	Geneva	Treaty of conciliation, judicial settlement and arbitration	Czechoslovakia and Switzerland	„	309
Dec. 27th	Vienna	Agreement concerning the payment of claims of Greek nationals in respect of damages suffered during the period of Greek neutrality	Austria and Greece	„	310
1930.					
Jan. 18th	The Hague	Convention 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	„	311
Jan. 20th	The Hague	Agreement	Australia, Belgium, Canada, Czechoslovakia, France, Germany, Great Britain, Greece, India, Italy, Japan, New Zealand, Poland, Portugal, Roumania, South Africa, Yugoslavia	„	312

142 INSTRUMENTS GOVERNING THE COURT'S JURISDICTION

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1930 (Cont.).					E	
Jan.	20th	The Hague	Declaration (Annex I to Agreement of January 20th, 1930)	Germany	No. 6	313
April	12th	The Hague	Convention on certain questions relating to the conflict of nationality laws	Collective Treaty	„	314
April	12th	The Hague	Protocol relating to military obligations in certain cases of double nationality	Collective Treaty	„	315
April	12th	The Hague	Protocol relating to a certain case of statelessness	Collective Treaty	„	316
April	12th	The Hague	Special Protocol concerning statelessness	Collective Treaty	„	317
April	28th	Paris	Agreement (No. I)	Australia, Belgium, Canada, Czechoslovakia, France, Great Britain, Greece, Hungary, India, Italy, Japan, New Zealand, Poland, Portugal, Roumania, South Africa, Yugoslavia	„	318
April	28th	Paris	Agreement (No. II)	<i>Idem</i>	„	319
April	28th	Paris	Agreement (No. III)	<i>Idem</i>	„	320
April	28th	Paris	Agreement (No. IV)	France, Czechoslovakia, Great Britain, Italy, Roumania and Yugoslavia	„	321
April	28th	Paris	Agreement	Hungary and Roumania	„	322

* * *

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

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

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

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

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

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

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

Jurisdiction
in other
disputes.Compulsory
jurisdiction
under the Op-
tional Clause.

The table included in Chapter X of the present Report (under No. 9) indicates the names of the forty-three States which have signed the Optional Clause (or have renewed their adherence thereto) and indicates the conditions of their acceptance (or renewed adherence). The date on which declarations were affixed is entered on the table in those cases where it is known from documentary evidence. The text of the declarations is reproduced on pp. 468-485 of the present volume (No. 10 of Chapter X).

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

I.

A. *States having signed the Optional Clause:*

Australia, Austria, Belgium, Brazil, Bulgaria, Canada, China, 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, Peru, Portugal, Salvador, Siam, South Africa, Spain, Sweden, Switzerland, Uruguay, Yugoslavia.

II.

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

Austria, Belgium, Canada, Denmark, Germany, Great Britain, Hungary, India, Ireland, Latvia, New Zealand, Siam, South Africa, Switzerland.

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

Australia, Czechoslovakia, Dominican Republic, France, Guatemala, Italy, Liberia, Luxemburg, Peru, Yugoslavia.

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

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

Brazil, Bulgaria, China, Costa Rica², Esthonia, Ethiopia, Finland, Greece, Haiti, Lithuania, Netherlands, Nicaragua, Norway, Panama, Portugal, Salvador, Spain, Sweden, Uruguay.

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

Costa Rica², Nicaragua, Salvador.

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*:

Austria, Belgium, Brazil³, Bulgaria, Canada, Denmark, Esthonia, Ethiopia, Finland, Germany, Great Britain, Greece, Haiti, Hungary, India, Ireland, Latvia, Lithuania, Netherlands, New Zealand, Norway, Panama, Portugal, Siam, South Africa, Spain, Sweden, Switzerland, Uruguay.

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

One case has been submitted to the Court under the Optional Clause for Compulsory jurisdiction: namely, the case of the denunciation of the Treaty of November 2nd, 1865, between China and Belgium, in which proceedings were instituted by unilateral application filed by the Belgian Government on November 25th, 1926⁴. On February 13th, 1929, the Belgian Government filed with the Registry a request for permission

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

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.

⁴ See Third Annual Report, pp. 125-130, Fourth Annual Report, p. 151, and Fifth Annual Report, pp. 203-204.

STATES WHICH HAVE SIGNED THE OPTIONAL CLAUSE (43)				
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, 1930.
China	Costa Rica Nicaragua Salvador	Bulgaria Esthonia Ethiopia Greece Haiti Netherlands Panama Portugal Spain Sweden Uruguay	Austria Belgium Brazil Canada Denmark Finland Germany Great Britain Hungary India Ireland Lithuania Latvia New Zealand Norway Siam South Africa Switzerland	Australia Czechoslovakia Dominican Republic France Guatemala Italy Liberia Luxemburg Peru Yugoslavia
States not bound by the Clause.		STATES BOUND BY THE CLAUSE (29).		States not bound by the Clause.

to withdraw the case, whereupon the Court made an Order on May 25th, 1929, officially recording the request and declaring that the proceedings instituted in the suit were terminated.

* * *

As has been stated above, there is another general provision of a similar nature: namely the one embodied in paragraph 2 of the Resolution adopted by the Council on May 17th, 1922. The text of the Resolution was reproduced in the First Annual Report on pages 142-143.

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

There has been nothing new to record in this connection since June 15th, 1929 (see Fifth Annual Report, pp. 138-139).

* * *

On September 25th, 1929 (twenty-first meeting of the Tenth Session), the Assembly decided, on the proposal of the Government of Finland, to invite the Council to submit to examination the question as to the most appropriate procedure to be followed by States desiring to enable the Permanent Court of International Justice to assume in a general manner, as between them, the functions of a tribunal of appeal from international arbitral tribunals in all cases when it is contended that the arbitral tribunal was without jurisdiction or exceeded its jurisdiction. Complying with this invitation, the Council, at the third and fifth meetings of its 58th Session (January 14th and 15th, 1930) instructed jurists belonging to the German, Finnish, French, Italian and Polish delegations to undertake a preliminary study of the question. These jurists met as a Committee in May 1930, and agreed upon certain proposals which will now be submitted to the Assembly of the League of Nations.

Jurisdiction as a Court of appeal.

* * *

Interim measures of protection.

(See Fifth Annual Report, p. 139.)

* * *

Power to determine its own jurisdiction.

(See Fifth Annual Report, p. 140.)

* * *

Interpretation of judgments.

(See Fifth Annual Report, p. 140.)

* * *

(2) *Jurisdiction* *ratione personæ*.

Only States or Members of the League of Nations can be Parties in cases before the Court¹. 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 Nations².

Members of the League of Nations. A.—The Members of the League of Nations are, on June 15th, 1930³:

Albania	Colombia
Argentine Republic	Cuba
Australia	Czechoslovakia
Austria	Denmark
Belgium	Dominican Republic
Bolivia	Esthonia
British Empire	Ethiopia
Bulgaria	Finland
Canada	France
Chile	Germany
China	Greece

¹ Article 34 of Statute.

² " 35 " " "

³ Communication from the Secretary-General of the League of Nations.

Guatemala	Panama
Haiti	Paraguay
Honduras	Peru
Hungary	Persia
India	Poland
Irish Free State	Portugal
Italy	Roumania
Japan	Salvador
Latvia	Siam
Liberia	South Africa
Lithuania	Spain
Luxemburg	Sweden
Netherlands	Switzerland
New Zealand	Uruguay
Nicaragua	Venezuela
Norway	Yugoslavia.

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

Brazil ¹	Hedjaz
Ecuador	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.

In the preceding Annual Reports an account has been given of the events following upon the adoption by the United States on January 27th, 1926, of a Resolution² advising and consenting to the adherence of the United States to the Protocol of Signature of the Statute of the Court (together with the Statute) upon certain conditions³.

The United States of America.

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

² For the text of the Resolution, see Second Annual Report, p. 84.

³ For the communication sent by the United States Government in pursuance of this Resolution, see Second Annual Report, p. 85. For the Conference of signatories of the Protocol of Signature of the Statute, held at Geneva in September 1926, see Third Annual Report, pp. 92-97. For the status on May 1st, 1928, of replies to the communications of the American Government, see Fourth Annual Report, pp. 126-127. For the note of the Secretary of State of the United States, dated February 19th, 1929, the preparation of a draft protocol by the Committee of Jurists, the Resolution of the Council of the League of Nations of June 12th, 1929, see Fifth Annual Report, pp. 142-150.

On June 12th, 1929, the Council adopted the report and draft protocol prepared in this connection by the Committee of Jurists; these texts were then transmitted by the Secretary-General of the League of Nations to the Members of the League and to the Government of the United States of America.

On August 31st, 1929 (second meeting of the 56th Session), the Council decided to invite the Conference on the revision of the Court's Statute also to consider the proposals of the Committee of Jurists. On September 3rd, 1929, the Tenth Assembly of the League of Nations (which sat at Geneva from September 2nd to September 25th, 1929) extended a similar invitation to the Conference.

On September 4th, the Conference—which the Secretary-General of the League of Nations had informed¹, on the basis of a communication from the United States Minister at Berne, that the Secretary of State at Washington, after careful consideration, was of opinion that the draft protocol would meet the objections set forth in the reservations made by the Senate—decided to adopt the draft protocol; this text was then transmitted to the First Committee of the Assembly, which approved it on September 13th, 1929.

The First Committee entrusted M. Politis (Greece) with the duty of acting as Rapporteur to the Assembly on this question. M. Politis made the following written report:

“After the Resolution adopted by the Senate of the United States on January 27th, 1926, with regard to the adherence of the United States to the Protocol of Signature of the Statute of the Permanent Court of International Justice of December 16th, 1920, a Conference of the signatories of the said Protocol was held at Geneva in September 1926, for the purpose of considering how effect might be given to the reservations and understandings embodied in the Senate Resolution. The Conference of 1926 prepared the draft of a protocol which it was believed would meet all the requirements of the situation, but unfortunately the Government of the United States, which had not been represented in the Conference, did not see its way to accept the protocol.

On February 19th, 1929, the Government of the United States intimated by means of a note addressed to all the interested

¹ The Secretary-General's communication to the Conference is cited *in extenso* in the letter dated Geneva, October 7th, 1929, addressed by him to the Secretary of State of the United States. This letter is reproduced below, pp. 158-160.

parties that an exchange of views might lead to an agreement with regard to the conditions upon which the United States desired to adhere to the Statute of the Court. Arrangements were accordingly made by the Council of the League that the Committee of Jurists which it had appointed in pursuance of the Resolution of the Assembly dated September 20th, 1928, on the subject of the examination of the Statute of the Court to see whether any amendments were necessary, should deal also with the question raised by the note from the United States Government and should make any suggestions which it felt able to offer with a view to facilitating the accession of the United States on conditions satisfactory to all the interests concerned.

It was of the greatest assistance to the Committee in the accomplishment of this additional task that among its members was to be found the Honourable Elihu Root, formerly Secretary of State of the United States, and one of the members of the Committee which in 1920 framed the original draft of the Statute of the Court. His presence in the Committee enabled it to re-examine with good results the work accomplished by the special Conference which met in 1926. The note from the United States Government to which reference is made above had shown that the margin of difference between the requirements of the United States and the recommendations made by the Special Conference was not great. For this reason, the Committee of Jurists adopted as the basis of its discussions the preliminary draft of a protocol which was annexed to the Final Act of that Conference and introduced into it the changes which it believed were necessary in order to overcome the objections encountered by the draft of 1926 and to render it acceptable to all parties.

The revised draft protocol was submitted to the Council of the League and adopted by that body at its session at Madrid on June 12th, 1929. It was placed on the agenda of the present session of the Assembly and also, in consequence of a Resolution of the Council of August 31st, 1929, upon that of the Conference convened to consider the revision of the Court's Statute. This Conference has now informed the Assembly that the text of the Protocol has been approved by all the governments represented in the Conference and that there is every reason to believe that it will meet with unanimous acceptance. It is necessary, however, that the Protocol should be formally approved by the Assembly of the League before it is opened for signature, as the agreement which it embodies will affect the right of the Assembly to ask for an advisory opinion from the Court.

No difficulty has at any time been felt with regard to the acceptance of the conditions laid down by the United States in the Senate resolution of January 27th, 1926, except in so far as they relate to advisory opinions. A simple solution of these difficulties would have been found had it been possible to agree that the

system of asking the Court for an advisory opinion upon any particular question should be abandoned altogether. So drastic a solution, however, is not at present feasible. The system of asking the Court for an advisory opinion has proved to be of substantial utility in securing a solution of questions which could not conveniently be submitted to the Court in any other form. It has also on occasions enabled the parties to a dispute to ask for the submission of their differences to the Court in the form of a request for an advisory opinion when they were for various reasons unwilling to submit them in the form of international litigation.

Another method by which satisfaction might easily have been given to the conditions laid down by the United States would have been that of adopting a rule that in all cases a decision on the part of the Council or of the Assembly to ask for an advisory opinion from the Court must be unanimous. As was pointed out in the Final Act of the special Conference of 1926, it is not possible to say with certainty whether a decision by a majority is not sufficient. On this point, all that is possible is to guarantee to the United States a position of equality with the States which are represented in the Council or the Assembly of the League.

The investigation of the whole subject which was made by the Committee of Jurists showed that the conditions with which the Government of the United States thought it necessary to accompany the expression of its willingness to adhere to the Protocol establishing the Court owed their origin to apprehension that the Council or the Assembly of the League might request from the Court advisory opinions without reference to the interests of the United States, which might in certain cases be involved. Those discussions also showed that the hesitation felt by the delegates to the Conference of 1926 as to recommending the acceptance of those conditions was due to apprehension that the rights claimed in the reservations formulated by the United States might be exercised in a way which would interfere with the work of the Council or the Assembly and embarrass their procedure.

The system of asking a judicial tribunal for advisory opinions is one which does not exist at all in the Constitution of the United States of America, and it is not unnatural that some misapprehension should be entertained in that country as to the rôle which the Permanent Court of International Justice fulfils in giving advisory opinions on questions submitted to it by the Council or the Assembly of the League. The procedure followed by the Court in dealing with the questions submitted to it for an advisory opinion is in fact almost identical with the procedure which is followed in dealing with contentious cases.

Misapprehension appears also to exist in the United States as to the powers of the Council to give effect to the opinions rendered by the Court on questions submitted to it by the Council or the

Assembly. It has, for instance, been suggested that the provisions of the concluding paragraph of Article 13 of the Covenant would enable the Council to oblige the Members of the League to resort to war for the purpose of enforcing such an opinion.

This view is erroneous. The last paragraph of Article 13 relates only to awards or decisions, not to advisory opinions. Advisory opinions are given by the Court at the request only of the Council or the Assembly of the League and in general only for the purpose of guiding the organs of the League or the International Labour Office in questions which come before those bodies in the execution of their duties. They are opinions only and in theory are not binding. Even in cases where an advisory opinion was asked for by the Council or the Assembly at the request of individual States which preferred to submit their disputes to judicial settlement through the machinery of an advisory opinion rather than by direct submission to the Court, the powers of the Council would not go beyond its general duty of securing respect for treaty engagements by ensuring that parties which submit their dispute for decision by a tribunal shall execute in good faith the decision which may be rendered. The power of the Council under Article 13, paragraph 4, in connection with awards or judicial decisions, is limited to '*proposing*' measures for the purpose of giving effect to them. It cannot do more. It certainly could not oblige States to take measures which would violate their treaty engagements.

The discussions which took place in the Committee of Jurists showed that it was useless to attempt to allay the apprehensions on either side referred to above by the elaboration of any system of paper guarantees or abstract formulæ. The only satisfactory method would be to deal with the problem in a concrete form, to provide some method by which the parties might be brought into contact so that questions as they arise might be examined and views exchanged and a conclusion thereby reached after each side had made itself acquainted with the difficulties and responsibilities which beset the other. This is the method which the Committee recommended should be adopted and to provide for which it submitted the text of a Protocol to be concluded between the States which signed the Protocol of 1920 and the United States of America. This view has been endorsed by the Conference which has recently concluded its labours, and the First Committee now recommends that it should be adopted by the Assembly.

The note of February 19th, 1929, from the United States has made it clear that that Government has no desire to interfere with the work of the Council or the Assembly of the League and that there is no intention on the part of that Government to hamper, upon unreal or unsubstantial grounds, the machinery by which advisory opinions are from time to time requested. This

rendered it possible for the Committee to recommend that the States which signed the Protocol of 1920 should accept the reservations formulated by the United States upon the terms and conditions set out in the articles of the draft protocol which the Committee prepared and which is now annexed to this report. The important article is No. 5, which provides machinery by which the United States will be made aware of any proposal before the Council or the Assembly for obtaining an advisory opinion and will have an opportunity of indicating whether the interests of the United States are affected, so that the Council or the Assembly, as the case may be, may decide its course of action with full knowledge of the position. It may be expected that the exchange of views so provided for will be sufficient to ensure that an understanding will be reached and no conflict of views will remain.

The provisions of this article have been worded with due regard to the exigencies of business in the Council of the League. The desirability of obtaining an advisory opinion may only become apparent as the session of the Council is drawing to a close and when it may not be possible to complete the exchange of views before the members of that body separate. In that case, it will be for the Council to give such directions as the circumstances may require, in order to ensure that the intentions of the article are carried out. The request addressed to the Court may, for instance, be held up temporarily, or it may be despatched with a request that the Court will nevertheless suspend action on the request until the exchange of views with the United States has been completed. The provisions of the article have purposely been framed so as to afford a measure of elasticity in its application. Similarly, if the Court has commenced the preliminary proceedings consequent upon the receipt of the request for an advisory opinion and has given notice of the request to the United States in the same way as to the other governments, the proceedings may, if necessary, be interrupted in order that the necessary exchange of views may take place. What is said in this paragraph with regard to requests for advisory opinions made by the Council would also apply to requests by the Assembly in the event of the Assembly making any such request.

The provisions of this article should in practice afford protection to all parties in all cases; but, if they do not, it must be recognized that the solution embodied in the present proposal will not have achieved the success that was hoped for and that the United States would be fully justified in withdrawing from the arrangement. It is for this eventuality that provision is made in the last paragraph of the article. It may be hoped that, should any such withdrawal by the United States materialize, it would in fact be followed or accompanied by the conclusion of some new and more satisfactory arrangement.

In order to ensure so far as possible that the parties to the Protocol of 1920 shall be identical with the parties to the new Protocol, Article 6 provides that any State which in future signs the Protocol of 1920 shall be deemed to accept the new Protocol.

The remaining provisions of the draft protocol do not call for detailed comment, because they are in substance similar to the corresponding provisions of the draft Protocol of 1926.

For these reasons the First Committee submits the following resolution to the Assembly:

‘The Assembly adopts the draft Protocol relating to the adherence of the United States of America of the Protocol of Signature of the Statute of the Permanent Court of International Justice.’

It is understood that, if this resolution is adopted by the Assembly, the Secretary-General will proceed forthwith to open the Protocol for signature.”

The question of the adherence of the United States came before the Tenth Assembly on September 14th, 1929. On this occasion, M. Politis made an oral report, in the course of which he dealt both with the adherence of the United States and the revision of the Statute. This report is reproduced in full in Chapter II of the present volume¹. Following upon M. Politis’ report, the Assembly adopted the resolution proposed by the First Committee and approved the draft protocol drawn up by the Committee of Jurists.

The Protocol thus adopted is as follows:

“The States signatories of the Protocol of Signature of the Statute of the Permanent Court of International Justice, dated December 16th, 1920, and the United States of America, through the undersigned duly authorized representatives, have mutually agreed upon the following provisions regarding the adherence of the United States of America to the said Protocol subject to the five reservations formulated by the United States in the Resolution adopted by the Senate on January 27th, 1926.

Article I.

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

¹ See pp. 77-91.

Article 2.

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

Article 3.

No amendment of the Statute of the Court may be made without the consent of all the contracting States.

Article 4.

The Court shall render advisory opinions in public session after notice and opportunity for hearing substantially as provided in the now existing Articles 73 and 74 of the Rules of Court.

Article 5.

With a view to ensuring that the Court shall not without the consent of the United States entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest, the Secretary-General of the League of Nations shall, through any channel designated for that purpose by the United States, inform the United States of any proposal before the Council or the Assembly of the League for obtaining an advisory opinion from the Court, and thereupon, if desired, an exchange of views as to whether an interest of the United States is affected shall proceed with all convenient speed between the Council or Assembly of the League and the United States.

Whenever a request for an advisory opinion comes to the Court, the Registrar shall notify the United States thereof among other States mentioned in the now existing Article 73 of the Rules of Court stating a reasonable time-limit fixed by the President within which a written statement by the United States concerning the request will be received. If for any reason no sufficient opportunity for an exchange of views upon such request should have been afforded, and the United States advises the Court that the question upon which the opinion of the Court is asked is one that affects the interests of the United States, proceedings shall be stayed for a period sufficient to enable such an exchange

of views between the Council or the Assembly and the United States to take place.

With regard to requesting an advisory opinion of the Court in any case covered by the preceding paragraphs, there shall be attributed to an objection of the United States the same force and effect as attached to a vote against asking for the opinion given by a Member of the League of Nations in the Council or in the Assembly.

If, after the exchange of views provided for in paragraphs 1 and 2 of this article, it shall appear that no agreement can be reached, and the United States is not prepared to forego its objection, the exercise of the powers of withdrawal provided for in Article 8 hereof will follow naturally without any imputation of unfriendliness or unwillingness to co-operate generally for peace and goodwill.

Article 6.

Subject to the provisions of Article 8 below, the provisions of the present Protocol shall have the same force and effect as the provisions of the Statute of the Court, and any future signature of the Protocol of December 16th, 1920, shall be deemed to be an acceptance of the provisions of the present Protocol.

Article 7.

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

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

Article 8.

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

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

On their part, each of the other contracting States may at any time notify the Secretary-General of the League of Nations that it desires to withdraw its acceptance of the special conditions attached by the United States to its adherence to the Protocol of December

16th, 1920. The Secretary-General shall immediately give communication of this notification to each of the States signatories of the present Protocol. The present Protocol shall be considered as ceasing to be in force if and when, within one year from the date of receipt of the said notification, not less than two-thirds of the contracting States other than the United States shall have notified the Secretary-General of the League of Nations that they desire to withdraw the above-mentioned acceptance."

The Protocol, which is dated September 14th, 1929, was opened for the signature of States on the same day. At the beginning of October, fifty Members of the League of Nations had signed¹.

On October 7th, 1929, the Secretary-General of the League of Nations sent the following note to the Secretary of State of the United States²:

"On June 12th last I had the honour, on instructions from the Council of the League of Nations, to transmit to the United States Government the text of the Protocol regarding the adherence of the United States to the Statute of the Permanent Court of International Justice, subject to the reservations formulated by the United States Senate. This instrument had been drafted by a Committee of Jurists appointed by the Council, and had been adopted by the Council at its meeting of June 12th.

In accordance with a Resolution adopted by the Council on August 31st, and a Resolution of the Assembly of the League of Nations adopted on September 3rd, the Protocol was next referred for examination to the Conference of representatives of States parties to the Statute of the Permanent Court which the Council had convened for the purpose of considering amendments to the Court's Statute. The United States Minister at Berne left with me on August 16th last a memorandum on the basis of which I had the honour to read to the delegates at the first meeting of the Conference the following statement:

'I thank you for giving me the opportunity of making this statement to the Conference. I am informed from a sure source, which I cannot divulge but on which the members of the Conference can absolutely rely, that the Secretary of State of the United States of America, after careful con-

¹ Statement made by the Secretary-General of the League of Nations to the Secretary of State of the United States, in his letter of October 7th, 1929, reproduced below.

² Extract from the *Monthly Summary of the League of Nations* for January 15th, 1930.

sideration, is of opinion that the draft protocol drawn up by the Committee of Jurists would effectively meet the objections set forth in the reservations made by the United States Senate, and would constitute a satisfactory basis for the United States to adhere to the Protocol of the Statute of the Permanent Court of International Justice, dated December 16th, 1920. After the States signatory to the Protocol of Signature and the Statute of the Permanent Court have accepted the draft protocol, the Secretary of State will request the President of the United States for the requisite authority to sign and will recommend that it be submitted to the Senate of the United States with a view to obtaining its consent to ratification.'

The Conference unanimously and without change, except for the correction of a mistake of translation in the French text¹, which has been notified to the United States Legation at Berne, adopted the Protocol as submitted to you in my letter of June 12th.

The Assembly on September 14th followed the Council in unanimously giving its consent to the provisions of the Protocol.

The Protocol was thereupon opened for signature on behalf of the States signatories of the Protocol of Signature of the Court's Statute and of the United States. Up to the present fifty Members of the League have given their signatures, as shown in the list annexed.

I enclose an authenticated copy of the Protocol; it is deposited in the archives of the Secretariat at Geneva, and I shall be glad to take any steps in my power to facilitate its signature on behalf of the United States, if, and so soon as, such signature had been decided upon. I beg also to enclose, for your information, a copy of the Report upon the Protocol which was made to the Assembly of the League of Nations by its Rapporteur, Monsieur Politis.

I have at the same time the honour to transmit to you an authenticated copy of a further Protocol² intended to effect certain amendments in the Statute of the Permanent Court which, as the result of decisions of the above-mentioned Conference of government representatives and of the Assembly of the League of Nations, has been opened for signature on behalf of the States signatories of the Protocol of Signature of the Court's Statute and on behalf of the United States. This instrument is deposited in the archives of the Secretariat and has up to the present received forty-eight signatures as shown in the annexed list.

From the report on the amendment of the Statute of the Court made to the Assembly by its Rapporteur, Monsieur Politis³, which

¹ The words *délibérations du Conseil et de l'Assemblée ayant pour objet les* were omitted in the French text of Article 2 of the draft Protocol.

² See p. 74.

³ „ note I, p. 75.

I enclose, you will see that the amendments which the last-mentioned Protocol seeks to effect in the Statute of the Court, except for certain minor changes and for certain amendments in Articles 4 and 35 of the Statute intended to establish general provisions for the participation in the election of members of the Court of States parties to the Court Statute which are not Members of the League, without affecting the special agreements which it is proposed to make in the case of the United States of America, are identical with the amendments proposed in the report, of which I had the honour to send you a copy with my letter of June 12th last. I venture to call your attention more particularly to the provisions of Articles 2 and 7 of the Protocol dealing with the position of the United States as regards the acceptance by it, and as regards the entry into force of this instrument, and to the commentary on this matter which is to be found at the top of page 4 of Monsieur Politis' report to the Assembly."

On December 9th, 1929, the United States Chargé d'affaires at Berne, Mr. Jay Pierrepont Moffat, signed the three following instruments on behalf of his Government :

- the Protocol of Signature of the Court's Statute, dated December 16th, 1920¹;
- the Protocol of September 14th, 1929, relating to the adherence of the United States to the Court²;
- the Protocol of September 14th, 1929, regarding the revision of the Court's Statute³.

The United States Chargé d'affaires at Berne appended to his signature the following declaration⁴ :

"I am instructed by the Secretary of State of the United States to acknowledge with appreciation the receipt of your note of October 7th, 1929, in which you informed him of the action taken with regard to the Protocol concerning the accession of the United States to the Statute of the Permanent Court of International Justice, as well as the Protocol to effect certain amendments in the Statute of the Permanent Court. Note has been taken of the fact that fifty States have up to date signed the Protocol of American accession to the Court.

¹ *Collection of Texts governing the Jurisdiction of the Court* (third edition, 1926), p. 59.

² See p. 155.

³ " " 74.

⁴ Extract from the *Monthly Summary of the League of Nations* for January 15th, 1930.

In view of the almost unanimous acceptance of the Protocol of accession by the members of the Court, it gives me pleasure to inform you that at the direction of the President of the United States I have been instructed to sign on behalf of the United States of America the Protocol of Signature of the Statute of the Permanent Court of International Justice; the Protocol of accession of the United States of America to the Protocol of Signature of the Permanent Court of International Justice; the Protocol of revision of the Statute of the Permanent Court of International Justice.

The Secretary of State has requested me to express through you to the members of the Court who have signed the Protocol of American accession the appreciation of the Government of the United States for their friendly endeavours to meet the objections set forth in the reservations of the United States."

The instructions to the United States Chargé d'affaires at Berne had been given in pursuance of the following note from Mr. Hoover, President of the United States of America, to Mr. Stimson, Secretary of State of the United States of America¹:

"November 26th, 1929.

I have received your note of November 18th analyzing the situation created by the almost unanimous signature on the part of the members of the Permanent Court of International Justice to the Protocol of accession of the United States of America and to the Protocol of revision of the Statute, and in accordance with the request contained therein, I authorize you to make the necessary arrangements for the signature on behalf of the United States on December 9th, 1929, of:

1. the Protocol of Signature of the Statute of the Permanent Court of International Justice;
2. the Protocol of accession of the United States of America to the Protocol of Signature of the Statute of the Permanent Court of International Justice, and
3. the Protocol of revision of the Statute of the Permanent Court of International Justice.

For this purpose, I am enclosing the full powers authorizing Mr. Jay Pierrepont Moffat, Chargé d'affaires *ad interim* of the United States at Berne, to sign these documents."

The text of the note of the Secretary of State to which the President's letter—reproduced above—refers, is as follows¹:

¹ These notes have appeared in the *Press Releases of the Department of State* (weekly issue, No. 11, Saturday, December 14th, 1929, Publication No. 24).

“There is now awaiting our decision the question of whether this Government shall sign the Protocol of adherence to the Statute of the World Court, on the conditions set out in the Resolution of the United States Senate of January 27th, 1926, as this Resolution was accepted by the recent Protocol of September 14th, 1929, now open for signature in Geneva.

Closely involved in this decision is the question whether the United States shall also sign the Protocol revising the Statute of the World Court, also dated September 14th, 1929, and also open for signature at Geneva. This latter Protocol provides for certain amendments to the charter Statute of the Court which have an important bearing upon the question of our adherence.

Practically all of the nations which are signatories to the World Court have already signed these protocols during the past few weeks in which they have been open for signature, fifty nations having signed the former and forty-nine the latter. The only nations which have not signed the former to date are Albania, Costa Rica, Ethiopia and Lithuania.

A brief summary of the considerations involved in this question seems advisable.

For over half a century the United States has taken a leading part in promoting the judicial settlement of international disputes. Not only have its citizens been prominent in advocating such settlement as a substitute for war, but the Government itself has participated in many important arbitrations; and our Presidents, as well as our Foreign Ministers, have frequently acted as arbitrators in such disputes between other nations.

In 1899, the American delegation to the first Hague Conference was active in securing the establishment of the so-called Permanent Court of Arbitration, which still exists and in which we are members. Our Government, under Mr. Roosevelt, submitted to that body its first case, a controversy between the United States and Mexico.

This so-called Court, however, was but a step in the direction proposed by the American delegation. It is not constituted as a real court, holding regular meetings and sessions.

It is a mere panel or list of about 150 names of gentlemen who have been selected by the member States as qualified and available to sit as arbiters in any disputes which may be submitted to them. Whenever a controversy is desired to be referred to it, the arbitrators who are to sit are selected by the parties, are called out from their private lives, and the case is then referred to them.

In 1907 the American delegates to the second Hague Conference were instructed by President Roosevelt and Secretary of State Root to work for the development of this court of arbitration ‘into a permanent tribunal composed of judges who are judicial officers and nothing else, who are paid adequate salaries, who have no other occupation and who are devoting their entire time to

the trial and decision of international cases by judicial methods and under a sense of judicial responsibility'.

Owing to difficulties in agreeing upon the method of selecting the judges, they were unsuccessful then; but such a court was finally established in 1920 under the name of the Permanent Court of International Justice, commonly referred to as the World Court.

Its charter was framed by a group of distinguished jurists in which the United States was represented; and it is interesting to remember that the difficulty which had prevented the establishment of the Court in 1907 was solved by the suggestion of the American member, Mr. Root, based upon the analogy of a precedent in the creation of our own Federal Constitution, the so-called Connecticut Compromise.

Although this final movement which established the Court was initiated by the League of Nations, the Court took its existence and became effective not by the action of the League, but under a statute and protocol separately signed by over fifty States, not all of whom are League Members. It thus owes its existence to the independent authority of those signatory States.

This Court has now been in existence for over eight years. It has rendered sixteen judgments in controverted cases and has also delivered sixteen advisory opinions on questions which have been submitted to it.

Several of these judgments have been rendered in cases which were of great importance and in which bitter international controversies had existed. Both the judgments and the advisory opinions have rendered important service in settling such controversies and, thus, in preserving peace.

Confidence in the Court has so developed that its business is rapidly increasing, and one of the chief purposes of the proposed amendments of its charter Statute above mentioned is to provide for more continuous sessions and in other respects to increase the importance and efficiency of the tribunal.

Unless a state has signed the so-called 'Optional Clause', granting to the Court compulsory jurisdiction over it in certain classes of legal disputes (which it is not proposed in the present Protocol that the United States shall sign), the Court can take jurisdiction only over cases which the parties themselves refer to it. It has no power to draw an unwilling suitor before it, even if that suitor be a signatory of the Court, and render judgment in respect to such suitor.

The Court simply stands ready and available as a carefully chosen and experienced tribunal to which the nations of the world, if and when they choose, can refer their disputes for settlement, without the ordinary delays and difficulties which accompany the selection of arbitrators.

Under the terms of the original charter of the Court, the United States is already a competent suitor to appear before it. The only

obligation which we would assume by joining the Court is one which we ourselves have asked for in the Senate reservations, namely, that we should pay our appropriate share of the expenses of its maintenance.

I am informed that the largest contribution by any State has been but little more than \$35,000 a year; and, although these expenses will be slightly increased in the future by an increase in the number and salaries of the judges, this obligation in any event will be comparatively trivial.

The only other changes in our present status as suitor which would be effected by our joinder would be to give us new rights and privileges. If we join the Court, we shall be admitted, under the Protocol of adherence, to participate on an equality with the other signatory States in the election of the judges of the Court. We should also be assured that no amendment of the charter of the Court could be made without our consent.

Far exceeding the weight of these legal considerations, by joining the Court the United States would resume its time-honoured place of leadership in the great movement for the judicial settlement of international controversies, and in the future, through its representatives and jurists, exercise its proper influence in the development of the kind of Court which our representatives proposed to the Hague Conference more than thirty years ago.

These considerations were pointed out by my predecessor, Mr. Hughes, in his letter to President Harding on February 17th, 1923, advising adherence to the Court. On February 24th, 1923, President Harding submitted to the Senate the proposal of adhesion.

On March 3rd, 1925, a resolution was passed by the House of Representatives stating that it desired 'to express its cordial approval of the said Court and an earnest desire that the United States give early adherence to the Protocol establishing the same' and expressing its readiness to participate in the enactment of such legislation as would necessarily follow such approval.

On January 27th, 1926, the Senate gave its advice and consent to adherence to the Court upon five reservations. As to the first four of these reservations, no objection has been raised by any of the other signatories of the Court, and they are accepted *in toto* in the proposed Protocol of adherence now before us.

The fifth reservation related to advisory opinions and was as follows:

'5. That the Court shall not render any advisory opinion except publicly after due notice to all States adhering to the Court and to all interested States and after public hearing or opportunity for hearing given to any State concerned; nor shall it, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest.'

As to the first half of this reservation, Article 4 of the Protocol of adherence now open for signature provides:

'The Court shall render advisory opinions in public session after notice and opportunity for hearing, substantially as provided in the now existing Articles 73 and 74 of the Rules of the Court.'

These rules provide for public hearings by the Court and advisory opinions after notice to all Member States or States admitted to appear before the Court (which would cover the case of the United States whether we adhered or not). They provide for an opportunity for argument on the part of all States notified or asking to be heard and for a public delivery of the opinion in open Court.

Furthermore, these rules will be incorporated into the charter Statute of the Court in the second Protocol revising the original Statute, which, as I first pointed out in this letter, is also open for our signature. By thus incorporating these rules, they become irrevocable and permanent; and therefore, if we adhere to the Court, those provisions for notice and public hearing cannot be withdrawn without our consent.

By these provisions one of the chief dangers which has influenced American opinion in its objection to the rendering of advisory opinions by the Court has been removed. America's fear lest the opinion of the Court could be sought by some nations and rendered by the Court in private, and that other nations might thus suddenly find their interests compromised by a decision of the Court on a question in which they are involved, no longer has any foundation.

The Court, in rendering advisory opinions, must follow substantially the same procedure as is followed in controversies, or as they are termed in the Rules of the Court contentious cases. It must act in public; it must give general notice of its proposed hearing, in order that anyone who is interested may have an opportunity to be heard; and it must hear them.

But the Court and the pending Protocol go even further. In April 1925, the Court was requested to render an advisory opinion in respect to the effect of the Treaty of peace between Finland and Russia in reference to the autonomy of Eastern Carelia.

When this request came before the Court in January, it was found that Russia, although notified of the pending hearing, refused to take any part in the proceedings. Thereupon the Court refused to go forward with the matter or to render any advisory opinion, saying that it found it to be 'well established in international law that no State can without its consent be compelled to submit its dispute to other States, whether to mediation or to arbitration, or to any other means of pacific settlement.... The Court, being a Court of justice, cannot even in giving

advisory opinions depart from the essential rules guiding their activities as a Court.'

By this ruling the Court assimilated its practice in advisory opinions where a dispute was involved between any nations to the same rule provided by its charter to govern contentious cases. It will not act unless the parties to such dispute request it to act.

This rule of conduct laid down by the Court itself will now be made imperative and binding upon it by an amendment in the new proposed Protocol of revision which is before us for signature. That Protocol contains a new Article 68 reading as follows:

'In the exercise of its advisory functions, the Court shall further be guided by the provisions of the Statute which apply to contentious cases to the extent which it recognizes them to be applicable.'

The Court, having already recognized this principle of contentious cases to be applicable, is required by this provision in its charter now to forever hereafter act accordingly.

The report of the Committee of Jurists of September 13th, 1929, recommending these amendments, sets forth the reasons for these amendments as to advisory opinions. The amendments are shown to be general in character, so as to include all nations; they also show that the reason why it is proposed to assimilate the procedure on advisory opinions to the procedure on contentious cases is the fundamental reason that unless both parties to a dispute are present and heard, the opinion will not carry any weight.

The report, therefore, makes it clear beyond peradventure that the consent of the disputant nations is required in every case as a precondition to the granting of an advisory opinion involving any dispute.

By this ruling and amendment any fear as to advisory opinions is removed. If the United States is involved in any dispute or controversy, to whatever degree, with another country, that matter cannot be brought before the World Court without the consent of the United States, even for the purpose of obtaining an advisory opinion.

It will be noticed that these last considerations fully meet the most important portion of the last half of the fifth reservation of the Senate. They give to the United States what amounts to an absolute veto upon an advisory opinion touching 'any dispute in which the United States has an interest'.

There remains only that portion of the last sentence in the fifth reservation, which provides that the Court shall not, without the consent of the United States, entertain a request for an advisory opinion touching any question in which the United States merely claims an interest and where the claim does not amount to a dispute or controversy. It will be obvious at once that the scope of this remaining clause is necessarily very narrow.

If the United States has an interest in any matter which another nation is seeking to bring up for an advisory opinion which is of so vital a character that the United States would not be satisfied to appear and present its interest to the Court, but desires to shut off all consideration of the Court therefrom by its objection, that matter, in all human probability, will have already attained the character of a dispute or controversy between the two nations, in which case the United States would already have a veto power under the new Article 68 of the charter Statute which adopts and enacts the spirit of the Eastern Carelia decision.

Otherwise, we should perforce be brought to assume that the United States under this reservation was seeking rather arbitrarily to interfere with its veto in the affairs of other nations in which it had a very slight interest—a conclusion which is not likely to be assumed. Therefore, I think it a fair assumption to say that the field covered by this last remaining portion of the fifth reservation is very narrow, and the need for such a prohibition unlikely ever to arise.

Yet this very slight possibility is elaborately guarded against by the new Protocol of adherence. So anxious have the framers of this Protocol been to meet even the most unlikely desires of the United States that they have devoted the major portion of the Protocol to providing machinery to meet this contingency.

Advisory opinions can only be rendered by the Court on the request of the Council or the Assembly of the League of Nations. Article 5 of the proposed protocol provides that the Secretary-General of the League shall inform the United States of any proposal for obtaining an advisory opinion of the Court which is pending before the Council or the Assembly, with a view of obtaining an exchange of views between the United States and the Council or Assembly as to whether an interest of the United States is affected.

Then, when a request for such an opinion actually comes to the Court the Registrar of the Court shall notify the United States and give a reasonable time in which a statement of the United States concerning the request will be received. If necessary, the Court will grant a stay of proceedings in respect to the request for such time as is necessary to enable an exchange of views to take place.

In considering a request for an advisory opinion, if the United States makes objection there shall be attributed to that objection the same force and effect as attaches to a vote against asking for the opinion given by a Member of the Council or the Assembly.

After all these steps have been taken, if it appears that no agreement can be reached and the request for the opinion is still persisted in, and the United States is unwilling to forego its objection, the United States can withdraw immediately from the Court without any imputation of unfriendliness or unwillingness to co-operate generally for peace or goodwill.

A mere recital of these precautions makes it apparent how remote the contingency is that the United States will ever be constrained to exercise its right of withdrawal. It may be suggested here that this contingency of withdrawal might place the United States in an awkward or embarrassing position, and thus submit it to moral pressure to permit a question to which it really objects.

The real hazard is more likely to be the other way. The influence of the United States is so great, the effect of its mere suggestion of withdrawal would be so embarrassing to the other nations, that there is far more likelihood of their submitting to an ill-founded objection on our part than of their forcing us to withdraw when we really had a legitimate reason for opposition to a question.

If any proof on this point were needed, the extreme consideration which has been shown in this Protocol to the objections of the United States and the promptness and unanimity with which the Protocol for our adherence to the Court has already been signed by practically all of the nations of the world who are members of the Court, would supply it.

It seems to me, therefore, that the dangers which seemed to inhere in the rendering of advisory opinions by the Court at the time the question was last presented to this Government in 1926 have now been entirely removed, both by the action of the Court itself and by the provisions of these new Protocols. The objections which caused the Senate reservations have been met.

Advisory opinions can no longer be a matter of secret procedure but must follow the forms and receive the safeguards of all formal Court proceedings in contentious cases. Whenever a dispute to which we are a party is involved, no opinion on that dispute can be rendered unless we consent.

When we claim an interest, although no dispute exists, we can, if we so desire, bring our great influence to bear against the rendering of such an opinion with the same legal standing as if we were a Member of the Council or the Assembly of the League of Nations; and, in the extremely unlikely event of our being unable to persuade the majority of the Council or the Assembly that our interest is real and that the request for the opinion should not proceed, we may withdraw from membership in the Court without any imputation of unfriendliness.

The general situation in the world has also changed since 1926 in a way which renders the World Court more vitally important than ever before. Since that date practically all the nations of the world have by the execution of the Pact of Paris renounced war as an instrument of national policy and have solemnly covenanted that: The settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

By this event not only has the need of developing judicial means instead of war to settle the inevitable controversies between nations become more pressing, but it has become even more important to establish and clarify the standards and rules of international conduct by which such controversies can be prevented or minimized.

Never has there been a period in the world's history when there was such an imperative need for the development of international law by an international court. Admitted freely all that must be accomplished towards this end, by the quasi-legislative action of international conferences which may meet to discuss and agree upon international compacts and codes, it is nevertheless to the judicial action of a World Court, passing upon the individual controversies which arise between nations, that we must look not only for the application and interpretation of these compacts and codes but for the flexible and intelligent development in this way of all the subsidiary principles and detailed rules which will surely be found necessary in such application.

No people are more familiar with this need than the American people, or have greater reason for confidence in this judicial method of developing the law of conduct between separate States. They have seen their own Supreme Court wisely and flexibly work out the myriad difficult and changing problems which in the course of one hundred and forty years have grown out of the compact in which thirteen Sovereign States in 1787 agreed to settle their relations by pacific means. And they have seen that Court settle these problems between States with no other power or sanction than the mandate of such a compact and the force of public opinion.

We cannot frankly face the limitations which inevitably inhere in the process of enacting laws or creating public compacts—so evident even in domestic legislation; so certain under the much more difficult conditions of international conferences—without appreciating that in this process of interpretation and application the World Court will perforce take a vital part in the development of international law.

The standards set up by international conferences will hardly be able safely to go beyond the statement of broad general principles; the development of details will necessarily grow out of the application of such principles by the Court. Here again to the American brought up under the common law, patiently and intelligently evolved by six hundred years of judicial decisions, this will be familiar as the method by which a system of law can be most safely, flexibly and intelligently produced.

In this work, protected as they are now protected, advisory opinions rendered on questions before they have ripened into bitter quarrels and wounded pride, can play a most useful part. Such opinions will be rendered with all the advantages of full argument

from opposing interests, but before those interests have settled into dangerous international grievances.

Not only do the records of the World Court show how useful such opinions have already proved to be, during the eight years of the Court's existence, in the interpretation of international treaty relations in Europa, but the rather similar form of obtaining declaratory judgments of courts upon domestic legislative questions is becoming a not unfamiliar practice in a number of the United States.

In the great future work of transforming the civilization of this world from a basis of war and force to one of peace founded upon justice, we today stand at the threshold. But it is already evident that in this work the World Court is destined to perform a most fruitful and important part. It is also clear that such an agency is more closely in line with the traditions and habit of thought of America, than of any other nation.

And finally, it is now possible for us to assist in the support and development of this judicial agent without in the slightest degree jeopardizing our traditional policy as a government of not interfering or entangling ourselves in the political policies of foreign States or of relinquishing our traditional attitude as a government toward purely American questions with which we are concerned.

Is there any reason why on such terms our Government should not join in the support, moral and financial, of such a Court, or why it should not lend its efforts towards the selection of judges who will act in this great work in accordance with the noble traditions of the American judiciary? Or why our Government's great power should not be placed in a position where it can influence for good or check against evil in the future development of the Court's charter and work? I think not.

For all of the foregoing reasons, I have the honour to advise you that, in my opinion, the United States can now safely adhere to the Permanent Court of International Justice, and to that end, that the American Minister in Berne should be immediately authorized to attach the signature of the United States to both of the Protocols above mentioned now open at Geneva for our signature. Inasmuch as the signature of the United States has never been attached to the original Protocol of the World Court of 1920, I recommend that he be also authorized to sign that Protocol as the formal necessary preliminary to the signature of the United States."

The Protocol of September 14th, 1929, concerning the adherence of the United States to the Court, had, on June 15th, 1930, received the signatures of the following States¹:

¹ Communication from the Secretary-General of the League of Nations.

Albania	Italy
America (United States of—)	Japan
Australia	Latvia
Austria	Liberia
Belgium	Lithuania
Bolivia	Luxemburg
Brazil	Netherlands
Bulgaria	New Zealand
Canada	Nicaragua
Chile	Norway
China	Panama
Colombia	Paraguay
Cuba	Peru
Czechoslovakia	Persia
Denmark	Poland
Dominican Republic	Portugal
Esthonia	Roumania
Finland	Salvador
France	Siam
Germany	South Africa (Union of—)
Greece	Spain
Great Britain	Sweden
Guatemala	Switzerland
Haiti	Uruguay
Hungary	Venezuela
India	Yugoslavia.
Irish Free State	

On the same date, the following States had deposited their instruments of ratification ¹:

Austria	Poland
Denmark	Portugal
Gr at Britain	Siam
India	South Africa (Union of—)
New Z aland	Sweden.
Norway	

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 ², to be laid down by the Council; Other States to which the Court is open.

¹ Communication from the Secretary-General of the League of Nations.

² The following passage of the report in regard to the Statute, adopted by the First Assembly of the League of Nations on December 13th, 1920, explains the clause analysed in the text: "The access of other States to the Court will depend either on the special provisions of the treaties in force (for example, the provisions of the treaties of peace concerning the right of minorities, labour, etc.) or else on a resolution of the Council."

but in no case will such provisions place the Parties in a position of inequality before the Court.

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

(See First Annual Report, p. 142 ;
see also Third Annual Report, p. 89.)

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

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

Costa Rica, which is not mentioned in the Annex to the Covenant, and which was admitted into the League of Nations by a Resolution of the Assembly dated December 16th, 1920, notified the Secretary-General on December 24th, 1924, that it had decided to withdraw from the League, this decision taking effect as from January 1st, 1927. The Resolution of May 17th, 1922, referred to above, was adopted at a time when Costa Rica was still a Member of the League of Nations, and was accordingly communicated to that country at the time by the Secretary-General of the League of Nations.

Contributions
towards the
expenses of
the Court.

(See Fifth Annual Report, p. 150.)

(3) *Channels of communications with governments.*

During the preliminary session, the Court decided that it would be well to have the procedure for communications which it might have to send to the various governments definitely laid down, so that a communication transmitted to a government in the manner indicated by that government could be regarded as having been duly effected. The Registrar in a letter of March 27th, 1922, requested the Secretary-General of the League of Nations to ask the governments of States Members of the League to state their wishes in

regard to the procedure to be adopted. He also wrote direct to States not Members of the League for similar information.

Certain governments not having replied to this request, the Registrar of the Court sent them a reminder on May 15th, 1928. According to the replies received up to June 15th, 1930, as a result of the steps taken in 1922 or in 1928, the channels to be used for direct communications emanating from the Court are as follows :

America (United States of—)	The Secretary of State, Washington.	Through the U.S. Legation at The Hague.
Argentine Republic	Ministry for Foreign Affairs, Buenos-Ayres.	Through the Argentine Legation at The Hague.
Australia	The Prime Minister of the Commonwealth of Australia, Melbourne.	
Austria	The Federal Chancellory, Department for Foreign Affairs, Vienna.	
Belgium	The Minister for Foreign Affairs, Brussels.	
Brazil	The Ministry for Foreign Affairs, Rio de Janeiro.	Through the Brazilian Legation at The Hague.
Bulgaria	The Ministry for Foreign Affairs, Sofia.	
Canada	The Secretary of State for Foreign Affairs, Ottawa.	
Chile	The Minister for Foreign Affairs, Santiago.	
China	The Chinese Legation at The Hague.	
Colombia	The Ministry for Foreign Affairs, Bogota.	
Cuba	The Secretary of State for Foreign Affairs, Havana.	
Czechoslovakia	The Ministry for Foreign Affairs, Prague—Hrad.	

Danzig	The Polish Minister at The Hague.	
Denmark	The Danish Legation at The Hague.	In case of extreme urgency : The Ministry for Foreign Affairs, Copenhagen.
Dominican Republic	The Secretary of State for Foreign Affairs, San Domingo.	
Ecuador	The Ministry for Foreign Affairs, Quito.	
Egypt	The Ministry for Foreign Affairs, Cairo.	
Esthonia	The Ministry for Foreign Affairs, Tallinn.	
Finland	The Finnish Chargé d'affaires at The Hague.	
France	The Ministry for Foreign Affairs, French Service for the League of Nations, Paris.	
Germany	The German Legation at The Hague.	
Great Britain	The Secretary of State for Foreign Affairs, Foreign Office, Whitehall, London, S.W.1.	
Greece	The Ministry for Foreign Affairs, Athens.	Copy to the Greek Chargé d'affaires at Berne.
Haiti	The Secretary of State for Foreign Affairs, Port-au-Prince.	
Honduras	The Ministry for Foreign Affairs, Tegucigalpa.	
Hungary	The Hungarian Minister at The Hague.	For communications under Article 44 of the Statute : The Royal Ministry of Justice, Budapest.

India	The India Office, Whitehall, London, S.W.1.	
Irish Free State	Ministry for Foreign Affairs, Dublin.	
Italy	Ministry for Foreign Affairs—League of Nations Section, Rome.	
Japan	The Minister for Foreign Affairs, Tokio.	Through the Japanese Office for matters concerning the League of Nations, Paris.
Latvia	Ministry for Foreign Affairs, Riga.	
Liberia	The Liberian Secretary of State, Monrovia.	
Lithuania	The Minister for Foreign Affairs of the Lithuanian Republic, Kovno.	
Luxemburg	The Minister of State, President of the Grand-ducal Government, Luxemburg.	(By registered letter.)
Mexico	The Secretary of State for Foreign Affairs, Mexico.	Through the Mexican Legation at The Hague.
Monaco	The Secretary of State, Director of the foreign relations and judicial administration of the Principality of Monaco.	
Netherlands	The Ministry for Foreign Affairs, The Hague.	
New Zealand	The High Commissioner for New Zealand, New Zealand Government Offices, Strand, London, W.C.2.	
Nicaragua	The Ministry for Foreign Affairs, Managua.	

Norway	The Ministry for Foreign Affairs, Oslo.	
Panama	The Ministry for Foreign Affairs, Panama.	
Persia	The Ministry for Foreign Affairs (3rd Section), Teheran.	
Peru	The Peruvian Chargé d'affaires at The Hague.	The Court's publications are sent direct to the Ministry for Foreign Affairs at Lima.
Poland	The Polish Minister at The Hague.	
Portugal	The Minister for Foreign Affairs, Lisbon.	
Roumania	The Minister for Foreign Affairs, Bucharest.	Copy to the Roumanian Minister at The Hague, with the request to transmit it to Bucharest.
Salvador	The Ministry for Foreign Affairs, San Salvador.	
Siam	The Ministry for Foreign Affairs, Bangkok.	Through the Siamese Legation in London.
South Africa (Union of—)	The Prime Minister of the Union of South Africa, Capetown.	
Spain	The Ministry of State, Madrid.	Through the Spanish Legation at The Hague.
Sweden	The Swedish Minister at The Hague.	
Switzerland	The Swiss Minister at The Hague.	
Turkey	The Ministry for Foreign Affairs, Ankara.	Through the Turkish Legation at The Hague.
Uruguay	The Ministry for Foreign Affairs, Montevideo.	

Venezuela	The Venezuelan Legation at The Hague.
Yugoslavia	The Yugoslav Legation at The Hague.

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

II.

JURISDICTION AS AN ADVISORY BODY.

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

The nineteen 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 belong to the first category:

Requests from
the Council
proprio motu.

- The question concerning the German settlers in Poland (Opinion No. 6).
- The question concerning the acquisition of Polish nationality (Opinion No. 7).
- The question of the Polish postal service at Danzig (Opinion No. 11).
- The question of the expulsion from Constantinople of the Œcumenical Patriarch (this question having been withdrawn, the Court was not called upon to give an opinion upon it).
- The Mosul question (Opinion No. 12).
- The question of the jurisdiction of the Danzig Courts (Opinion No. 15).

The following belong to the second category:

Other requests.

- The question of the appointment of the Workers' Delegate to the Third Session of the International Labour Conference (Opinion No. 1).
- The question of the competence of the International Labour Organization in regard to agricultural labour (Opinion No. 2).

- The question of the competence of the International Labour Organization in regard to agricultural production (Opinion No. 3).
- The question of the nationality decrees in Tunis and Morocco (Opinion No. 4).
- The question of the status of Eastern Carelia (Opinion No. 5).
- The Jaworzina question (Opinion No. 8).
- The St. Naoum question (Opinion No. 9).
- The question concerning the exchange of Greek and Turkish Populations (Opinion No. 10).
- The question of the competence of the International Labour Organization incidentally to regulate the personal work of the employer (Opinion No. 13).
- The question concerning the jurisdiction of the European Commission of the Danube between Galatz and Braila (Opinion No. 14).
- The question concerning the interpretation of Article IV of the Final Protocol to the Greco-Turkish Agreement of December 1st, 1926 (Opinion No. 16).
- The question concerning the interpretation of the Greco-Bulgarian Convention of November 27th, 1919 (entered in the list for the Court's Eighteenth Session beginning on June 16th, 1930).
- The question concerning whether it is possible for the Free City of Danzig to become a Member of the International Labour Organization (also entered in the list for the Court's Eighteenth Session).

* * *

Procedure for
voting upon
requests for
opinions.

(See Fifth Annual Report, pp. 159-160.)

On December 10th, 1928 (53rd Session, 1st meeting), the Council of the League of Nations decided that each of its Members should make an individual study of the question "whether the Council or the Assembly may, by a simple majority, ask for an advisory opinion within the meaning of Article 14 of the Covenant of the League of Nations", in order that an exchange of views might be held at one of its future sessions. This exchange of views had not taken place on June 15th, 1930.

It should be noted in this connection that the Committee for the amendment of the Covenant of the League of Nations

in order to bring it into harmony with the Pact of Paris¹, which met at Geneva from February 25th to March 5th, 1930, adopted the following clause to be inserted between the existing paragraphs 7 and 8 of Article 15 of the Covenant of the League of Nations:

“At any stage of the examination, the Council may, either at the request of the parties or on its own initiative, ask the Permanent Court of International Justice for an advisory opinion on points of law relating to the dispute. Such application shall not require a unanimous vote by the Council.”

The report of the Committee upon this point is as follows:

“Nevertheless, the majority of the members of the Committee thought that, in order to render the asking of an advisory opinion easier, the Council should be given the possibility of making a request for an advisory opinion by a decision adopted by a simple majority. The Committee has left entirely on one side the question whether, as a general rule, a request for an advisory opinion requires unanimity or may be made by a simple majority. It has merely intended to make it clear that, in the course of the proceedings of enquiry which take place under Article 15, such opinions would be asked for by a majority decision. In the intention of the Committee, the provision in question, being peculiar to Article 15, could not be used as an argument in either sense in the discussion which has arisen upon this question. Some members of the Committee, however, formulated an express reservation on this question.”

III.

OTHER ACTIVITIES.

On several occasions the Court or its President have been entrusted with certain missions—such, for instance, as the

¹ This Committee was appointed by the Council at its session in January 1930, in pursuance of the Resolution adopted by the Tenth Assembly on September 24th, 1929, upon a proposal made by the British Delegation to the Assembly (Records of the Tenth Ordinary Session of the Assembly, plenary meetings). At the Ninth Assembly (September 1928), the Lithuanian Delegation had already requested the Council to cause a study to be made of a draft amendment to the Covenant designed to complete it so as to bring it into harmony with the Pact of Paris. The Lithuanian amendment was not however placed on the agenda of the Assembly, though the rights of the Lithuanian Government to take the necessary steps with a view to the inclusion of its proposal on the agenda for the next ordinary session of the Assembly were reserved.

appointment of arbitrators or experts—either under an international legal instrument or under a private legal instrument.

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

The Third Annual Report gives a complete list of instruments of international law, which had come to the knowledge of the Court on June 15th, 1927, and which confer powers of this kind upon the Court or the President. The Fourth and Fifth Annual Reports bring the list up to date to June 15th, 1928, and June 15th, 1929, respectively. On June 15th, 1930, the following additions are to be made¹:

(a) APPOINTMENTS BY THE COURT.

(See Third Annual Report, p. 104,
and Fourth Annual Report, p. 136.)

Agreement between Austria and Czechoslovakia, December 7th, 1925.

Convention concerning the Douro, between Portugal and Spain, August 11th, 1927.

Agreement between Austria and Italy, December 22nd, 1927.

Agreement No. II (with Hungary), April 28th, 1930.

(b) APPOINTMENTS BY THE PRESIDENT.

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

(See Third Annual Report, pp. 105-108,
Fourth Annual Report, pp. 136-137,
and Fifth Annual Report, pp. 161-162.)

Agreements for the pacific settlement of international disputes.

Appointment in certain circumstances of the presidents of conciliation commissions:

Treaty of conciliation and arbitration between Bulgaria and Hungary, July 22nd, 1929.

¹ The relevant extracts of each of these instruments are published in the *Collection of Texts governing the Jurisdiction of the Court* or its addenda. In order to refer to them, see the chronological list on pages 108-142 of this volume.

Treaties of commerce.

Appointment in certain circumstances of a third arbitrator:

Treaty of commerce between Hungary and Yugoslavia, July 24th, 1926.

Treaty of commerce and navigation between Greece and Yugoslavia, November 2nd, 1927.

Convention of commerce and navigation between Esthonia and Hungary, April 29th, 1929.

Convention of commerce and navigation between Hungary and Lithuania, May 16th, 1929.

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

Treaty of commerce and navigation between Albania and Greece, October 13th, 1926.

Treaties of peace and various conventions.

Financial Convention between Germany and Roumania, November 10th, 1928.

Agreement (with Germany), January 20th, 1930.

Agreement No. I (with Hungary), April 28th, 1930.

Agreement No. IV between Czechoslovakia, France, Great Britain, Italy, Roumania and Yugoslavia, April 28th, 1930.

2.—*Under a contract of private law.*

(See Second Annual Report, pp. 95-96,
Third Annual Report, p. 108,
and Fifth Annual Report, p. 162.)

Between June 15th, 1929, and June 15th, 1930, the President of the Court has received no request from private juristic persons for the appointment of arbitrators.

* * *

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

Applications from private persons against a government.

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 seq.*), the Third Annual Report (pp. 109 *et seq.*) and the Fifth Annual Report (pp. 163 *et seq.*) gave some examples showing what is, as a general rule, the nature of such cases; in response to such applications the Registry invariably states that, under the terms of Article 34 of the Statute of the Court, "only States or Members of the League of Nations can be Parties in cases before the Court".

INTRODUCTION TO CHAPTERS IV AND V.

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

DATES OF THE SESSIONS HELD BY THE COURT.

(Table brought up to date to June 15th, 1930.)

Order number.	Year.	Date		
		of opening.	of closure.	
<i>Preliminary</i>	—	1922	January 30th	March 24th
First	O*	„	June 15th	August 12th
Second	E	1923	January 8th	February 7th
Third	O	„	June 15th	Sept. 15th
Fourth	E	„	Nov. 12th	Dec. 6th
Fifth	O	1924	June 16th	Sept. 4th
Sixth	E	1925	January 12th	March 26th
Seventh	E	„	April 14th	May 16th
Eighth	O	„	June 15th	June 19th
			July 15th	August 25th
Ninth	E	„	October 22nd	Nov. 21st
Tenth	E	1926	February 2nd	May 25th
Eleventh	O	„	June 15th	July 31st
Twelfth	O	1927	June 15th	Dec. 16th
Thirteenth	E	1928	February 6th	April 26th
Fourteenth	O	„	June 15th	Sept. 13th
Fifteenth	E	„	Nov. 12th	Nov. 21st
Sixteenth	E	1929	May 13th	July 12th
Seventeenth	O	„	June 17th	Sept. 10th

The following table gives a list of the sixteen judgments and sixteen opinions, as also of certain orders mainly in the nature of judgments, made in the cases dealt with in the course of the first seventeen sessions, and it indicates the page of the Annual Report in which each has been summarized, the serial numbers of the Court's publications in which the relevant documents have been printed; finally, it gives a summary of the main points which were considered.

* O: Ordinary Session.

E: Extraordinary Session.

LIST OF JUDGMENTS AND OPINIONS GIVEN BY THE COURT.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
Judgments.			
<i>Judgment No. 1 :</i>			
The S.S. <i>Wimbledon</i> . (August 17th, 1923.)	Admissibility of the suit.—Régime of the Kiel Canal; inland waterways and maritime canals; time of peace and of war; belligerents and neutrals.—Restrictive interpretation.—Neutrality and sovereignty. The right of intervention under Article 63 of the Court Statute.	Series E., No. 1, p. 163	Series A., No. 1; Series C., No. 3, vol. I, II, and additional volume.
<i>Judgment No. 2 :</i>			
The <i>Mavrommatis</i> concessions in Palestine (jurisdiction). (August 30th, 1924.)	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.	Series E., No. 1, p. 169	Series A., No. 2; Series C., No. 5.
<i>Judgments Nos. 3 and 4 :</i>			
Treaty of Neuilly, Article 179, Annex, paragraph 4 (interpretation). (September 12th, 1924, and March 26th, 1925.)	Scope of the application of paragraph 4 as regards persons and territory.—Relations between said paragraph and reparations.—Request for an interpretation under Article 60 of the Statute.	Series E., No. 1, p. 180	Series A., Nos. 3 and 4; Series C., No. 6 and additional volume.

Name of the case.	Summary.	Short report.	Full report and relevant documents.
<p><i>Judgment No. 5:</i></p> <p>The Mavrommatis concessions at Jerusalem (merits). (March 26th, 1925.)</p>	<p>The conditions for the validity of the Mavrommatis Jerusalem concessions.—A partial and transient violation of international obligations suffices to establish responsibility.—Indemnity not payable when no causal relation between violation and damage proved.—Protocol XII : right to readaptation of valid concessions.</p>	<p>Series E., No. 1, p. 176</p>	<p>Series A., No. 5 ; Series C., No. 7—II.</p>
<p><i>Judgment No. 6:</i></p> <p>Certain German interests in Polish Upper Silesia (jurisdiction). (August 25th, 1925.)</p>	<p>Diplomatic negotiations as a condition precedent to the institution of proceedings.—Interpretation of Article 23 of the Upper Silesian Convention.—Power of the Court to base its judgment on objections upon elements belonging to the merits of the suit.—Its competence incidentally to construe for the same purpose instruments other than the Convention relied upon.—Litispendency: the Court and the Mixed Arbitral Tribunals.—Notice of intention to expropriate constitutes a restriction on rights of ownership.</p>	<p>Series E., No. 2, p. 100</p>	<p>Series A., No. 6 ; Series C., No. 9—I.</p>
<p><i>Judgment No. 7:</i></p> <p>Certain German interests in Polish Upper Silesia (merits). (May 25th, 1926.)</p>	<p>The Court may give declaratory judgments.—Compatibility of the Polish law of July 14th, 1920, and the Upper Silesian Convention.—Derogations from the principle of respect for vested rights are in the nature</p>	<p>Series E., No. 2, p. 109</p>	<p>Series A., No. 7 ; Series C., No. 11, Vols. I, II and III.</p>

Name of the case.	Summary.	Short report.	Full report and relevant documents.
	<p>of exceptions.—Right of Poland to avail herself of the Armistice Convention and the Protocol of Spa of December 1st, 1918.—Germany's capacity to alienate property after the Treaty of Versailles.</p> <p>Form of notice of expropriation.—Interpretation of Article 9 of the Upper Silesian Convention: the conception of "subsidence".—The conception of "control" in the Upper Silesian Convention.—Proofs of the acquisition of nationality.—For questions of liquidation, a municipality may be assimilated to a person.—The conception of domicile.</p>		
<p><i>Order :</i></p> <p>Request for interim measures of protection in the case of the denunciation by China of the Treaty of November 2nd, 1865, between China and Belgium. (January 8th, 1927.)</p>	<p>The necessity for interim measures of protection in this particular case.—The purpose of interim measures of protection is to safeguard the rights of the Parties pending the decision of the Court, in order to prevent any injury arising from an infringement of such rights becoming irremediable.—The Court indicates the interim measures in question.</p>	<p>Series E., No. 3, p. 125</p>	<p>Series A., No. 8.</p>
<p><i>Order :</i></p> <p>The rescission, on the request of the Applicant, of the interim measures</p>	<p>Owing to the conclusion between the Parties of a <i>modus vivendi</i> including a provisional settlement of the situation, independently of the rights at issue,</p>	<p>Series E., No. 3, p. 129</p>	<p>Series A., No. 8.</p>

Name of the case.	Summary.	Short report.	Full report and relevant documents.
<p>indicated by the Order of January 8th, 1927. (February 15th, 1927.)</p>	<p>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.</p>		
<p><i>Judgment No. 8:</i> Claim for indemnity in respect of the Factory at Chorzów (jurisdiction). (July 26th, 1927.)</p>	<p>Meaning and scope of the Geneva Convention, and particularly of Article 23.—By virtue of this article, the Court takes cognizance of disputes relating to the application as well as to the applicability of Articles 6-22 of that Convention; the meaning of "application" in relation to failure to apply, and jurisdiction as regards application in relation to jurisdiction over suits for compensation for injury based on a failure to apply.—Conflicts of jurisdiction in the international sphere.</p>	<p>Series E., No. 4, p. 155</p>	<p>Series A., No. 9; Series C., No. 13—I.</p>
<p><i>Judgment No. 9:</i> Case of the <i>Lotus</i>. (September 7th, 1927.)</p>	<p>The terms of the Special Agreement.—The "principles of international law" within the meaning of Article 15 of the Convention of Lausanne.—The sovereignty of States, the basis of international law, as a criterion for the jurisdiction of the tribunals of one of those States: Claim to jurisdiction based on (1) the nationality of the victim; (2) the flag flown by the ship on which the</p>	<p>Series E., No. 4, p. 166</p>	<p>Series A., No. 10; Series C., No. 13—II.</p>

Name of the case.	Summary.	Short report.	Full report and relevant documents.
<p><i>Judgment No. 10 :</i></p> <p>Case of the re-adaptation of the Mavrommatis Jerusalem concessions (jurisdiction). (October 10th, 1927.)</p>	<p>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.</p> <p>Mandate for Palestine (Article 26).—The Court has jurisdiction to consider an alleged violation of the terms of the Protocol of Lausanne in all those cases—but only in those—where the violation would arise from an exercise of the full powers to provide for “<i>public control</i> of the natural resources of the country” (Article 11).—This condition not being present in the case, there was no need to consider the other arguments of the Defendant.</p>	<p>Series E., No. 4, p. 176</p>	<p>Series A., No. 11 ; Series C., No. 13— III.</p>
<p><i>Order :</i></p> <p>Request for measures of interim protection in the case relating to the Factory at Chor-zów (indemnities). (November 21st, 1927.)</p>	<p>Request for interim measures of protection and submissions as regards the merits.—Composition of the Court.</p>	<p>Series E., No. 4, p. 163</p>	<p>Series A., No. 12 ; Series C., No. 15—II.</p>
<p><i>Judgment No. 11 :</i></p> <p>Interpretation of Judgments Nos. 7 and 8 (case relating</p>	<p>Conditions requisite in order that a request for interpretation should be admissible (Article 60 of the Statute of the</p>	<p>Series E., No. 4, p. 184</p>	<p>Series A., No. 13 ;</p>

Name of the case.	Summary.	Short report.	Full report and relevant documents.
<p>to the Factory at Chorzów). (December 16th, 1927.)</p>	<p>Court); the meaning of interpretation.—Meaning and scope of the point at issue in Judgment No. 7.—The Court in that particular case had not rendered a conditional decision; the principle of <i>res judicata</i> (Article 59 of the Statute).</p>		<p>Series C., No. 13— V.</p>
<p><i>Judgment No. 12 :</i></p> <p>Case relating to certain rights of minorities in Upper Silesia (minority schools). (April 26th, 1928.)</p>	<p>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 (<i>fin de non-recevoir</i>): Nature of the jurisdiction of the Council of the League of Nations and that of the Court.—Interpretation of the German-Polish Convention: Conditions to which children entering the minority schools are subject.</p>	<p>Series E., No. 4, p. 191</p>	<p>Series A., No. 15; Series C., No. 14— II.</p>
<p><i>Judgment No. 13 :</i></p> <p>The Factory at Chorzów (claim for indemnities—merits). (September 13th, 1928.)</p>	<p>Import of the Application.—A violation of a right involves an obligation to make reparation.—Reparation at international law: injury suffered by a State; injury suffered by a private person. Relevance of Article 256 of the Treaty of Versailles in this case.—Establishment of the fact that the Companies concerned have suf-</p>	<p>Series E., No. 5, p. 183</p>	<p>Series A., No. 17; Series C., No. 15— II.</p>

Name of the case.	Summary.	Short report.	Full report and relevant documents.
<p style="text-align: center;"><i>Order :</i></p> <p>The Factory at Chorzów (claim for indemnities—merits). (September 13th, 1928.)</p>	<p>ferred injury.—Appraisalment of this injury : determination of principles and institution of an expert enquiry.—Method of payment ; set-off under international law.</p> <p>Institution of an expert enquiry.—Determination of the subject-matters of the enquiry.—Composition of the Committee of experts ; its procedure.—Allocation of expenses.</p>	<p>Series E., No. 5, p. 196</p>	<p>Series A., No. 17 ; Series C., No. 15— II.</p>
<p style="text-align: center;"><i>Order :</i></p> <p>Case of the denunciation by China of the Treaty of November 2nd, 1865, between China and Belgium. (May 25th, 1929.)</p>	<p>Termination of proceedings by withdrawal of suit.</p>	<p>Series E., No. 5, p. 203</p>	<p>Series A., No. 18 ; Series C., No. 16—I.</p>
<p style="text-align: center;"><i>Order :</i></p> <p>Case concerning the Factory at Chorzów (claim for indemnities—merits). (May 25th, 1929.)</p>	<p>Termination of proceedings by agreement.</p>	<p>Series E., No. 5, p. 200</p>	<p>Series A., No. 19 ; Series C., No. 16— II.</p>
<p style="text-align: center;"><i>Judgment No. 14 :</i></p> <p>Case concerning the payment of various Serbian loans issued in France. (July 12th, 1929.)</p>	<p>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.</p>	<p>Series E., No. 5, p. 205</p>	<p>Series A., No. 20 ; Series C., No. 16— III.</p>

Name of the case.	Summary.	Short report.	Full report and relevant documents.
<p><i>Judgment No. 15 :</i> Case concerning the payment in gold of the Brazilian Federal loans issued in France. (July 12th, 1929.)</p>	<p>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.</p>	<p>Series E., No. 5, p. 216</p>	<p>Series A., No. 21 ; Series C., No. 16— IV.</p>
<p><i>Order :</i> Case concerning the territorial jurisdiction of the International Commission of the Oder. (August 15th, 1929)</p>	<p>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.</p>	<p>Series E., No. 6, p. 217</p>	<p>Series A., No. 23 ; Series C., No. 17— II</p>
<p><i>Order :</i> Case of the Free Zones of Upper Savoy and the District of Gex. (August 19th, 1929.)</p>	<p>The Parties to a case before the Court may not depart from the terms of the Statute.—Interpretation of the Special Agreement : ascertainment of the common intention of the Parties and the construction which will render it possible to comply with that intention, whilst keeping within the terms of the Statute.—Definition of the Court's task.—Interpretation of Article 435 of the Treaty of Versailles.—Fixing of a time-limit.</p>	<p>Series E., No. 6, p. 201</p>	<p>Series A., No. 22 ; Series C., No. 17—I (4 vols.).</p>

Name of the case.	Summary.	Short report.	Full report and relevant documents.
<p><i>Order :</i> Case concerning the territorial jurisdiction of the International Commission of the Oder. (August 20th, 1929.)</p>	<p>Inadmissibility in evidence of preliminary work in which all Parties to a case have not participated.</p>	<p>Series E., No. 6, p. 217</p>	<p>Series A., No. 23 ; Series C., No. 17— II.</p>
<p><i>Judgment No. 16 :</i> Case concerning the territorial jurisdiction of the International Commission of the Oder. (September 10th, 1929.)</p>	<p>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.</p>	<p>Series E., No. 6, p. 218</p>	<p>Series A., No. 23 ; Series C., No. 17— II.</p>
<p>Advisory Opinions.</p>			
<p><i>Opinion No. 1 :</i> The nomination of the workers' delegate for the Netherlands at the third session of the International Labour Conference. (July 31st, 1922.)</p>	<p>International Labour Conferences.—Nomination of non-government delegates ; duties of governments. Article 389, paragraph 3, of Treaty of Versailles.</p>	<p>Series E., No. 1, p. 185</p>	<p>Series B., No. 1 ; Series C., No. 1.</p>
<p><i>Opinion No. 2 :</i> Competence of the International Labour Organization in regard to agriculture.</p>	<p>International Labour Organization.—Its competence in regard to agriculture.—“Industry” (Part XIII, Treaty of Versailles) includes agriculture.—Sources for the interpretation</p>	<p>Series E., No. 1, p. 189</p>	<p>Series B., Nos. 2 and 3 ; Series C., No. 1.</p>

Name of the case.	Summary.	Short report.	Full report and relevant documents.
<p>(August 12th, 1922.)</p> <p><i>Opinion No. 3 :</i></p> <p>Competence of the International Labour Organization in regard to agricultural production. (August 12th, 1922.)</p>	<p>of a text : the manner of its application and the work done in preparation of it.</p> <p>International Labour Organization.—Its competence in regard to production (agricultural or otherwise).</p>	<p>Series E., No. 1, p. 189</p>	<p>Series B., Nos. 2 and 3 ; Series C., No. 1.</p>
<p><i>Opinion No. 4 :</i></p> <p>Nationality decrees in Tunis and Morocco. (February 7th, 1923.)</p>	<p>Council of League of Nations.—Domestic jurisdiction of a Party to a dispute (Art. 15, para. 8, of Covenant).—Questions of nationality are in principle of domestic concern.—But a question which involves the interpretation of international instruments is not of domestic concern.</p>	<p>Series E., No. 1, p. 195</p>	<p>Series B., No. 4 ; Series C., No. 2 and additional volume.</p>
<p><i>Opinion No. 5 :</i></p> <p>The Status of Eastern Carelia. (July 23rd, 1923.)</p>	<p>Dispute between a Member and a non-Member of the League of Nations (Article 17 of the Covenant).—The consent of States as a condition for the legal settlement of a dispute.—Refusal by the Court to give an opinion for which it is asked.—Grounds for this refusal.</p>	<p>Series E., No. 1, p. 200</p>	<p>Series B., No. 5 ; Series C., No. 3, Vols. I and II.</p>
<p><i>Opinion No. 6 :</i></p> <p>German Settlers in Poland. (September 10th, 1923.)</p>	<p>Council of the League of Nations.—Its competence in minority questions.—Private law contracts and State succession.—Determination of the date of</p>	<p>Series E., No. 1, p. 204</p>	<p>Series B., No. 6 ; Series C., No. 3.</p>

Name of the case.	Summary.	Short report.	Full report and relevant documents.
<p><i>Opinion No. 7 :</i></p> <p>Acquisition of Polish Nationality. (September 15th, 1923.)</p>	<p>the transfer of sovereignty over a ceded territory.—Polish Treaty of Minorities.—Treaty of Versailles, Article 256.</p> <p>Council of the League of Nations.—Its competence under Minority Treaties.—Effect of the transfer of a territory upon the nationality of the inhabitants.—Conditions for the acquisition of nationality : origin, domicile (Treaty of Minorities with Poland, Article 4).</p>	<p>Series E., No. 1, p. 210</p>	<p>Vols. I, III^I and III^{II}.</p> <p>Series B., No. 7 ; Series C., No. 3, Vols. I, III^I and III^{II}.</p>
<p><i>Opinion No. 8 :</i></p> <p>Delimitation of the Polish and Czechoslovak frontiers. (The Jaworzina question.) (December 6th, 1923.)</p>	<p>Conference of Ambassadors.—Arbitral character of its decisions.—Its competence to interpret its decisions.—The fixing of a frontier line.—Powers of delimitation commissions.</p>	<p>Series E., No. 1, p. 215</p>	<p>Series B., No. 8 ; Series C., No. 4.</p>
<p><i>Opinion No. 9 :</i></p> <p>Question of the Monastery of Saint-Naoum. (September 4th, 1924.)</p>	<p>Conference of Ambassadors.—Definitive character of certain of its decisions.—Its competence to revise them.—Existence of a material error or a new fact.</p>	<p>Series E., No. 1, p. 221 Series E., No. 2, p. 137</p>	<p>Series B., No. 9 ; Series C., No. 5—II.</p>
<p><i>Opinion No. 10 :</i></p> <p>The Exchange of Greek and Turkish populations. (February 21st, 1925.)</p>	<p>Establishment and domicile.—National legislation as a means for the interpretation of international instruments.—Mixed Commission : concurrent jurisdiction of national courts.</p>	<p>Series E., No. 1, p. 226</p>	<p>Series B., No. 10 ; Series C., No. 7—I.</p>

Name of the case.	Summary.	Short report.	Full report and relevant documents.
<p><i>Opinion No. 11:</i></p> <p>The Polish Postal Service at Danzig. (May 16th, 1925.)</p>	<p>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.</p>	<p>Series E., No. 1, p. 231 Series E., No. 2, p. 139</p>	<p>Series B., No. 11; Series C., No. 8.</p>
<p><i>Opinion No. 12:</i></p> <p>Interpretation of Article 3, paragraph 2, of the Treaty of Lausanne (Frontier between Turkey and Iraq—Mosul question). (November 21st, 1925.)</p>	<p>Council of League of Nations.—Nature of its powers under Article 3 of Treaty of Lausanne; arbitral award, recommendation, mediation.—The common consent of the Parties, source of competence.—In case of doubt, decisions of Council, other than those on matters of procedure, must be unanimous (Art. 5 of Covenant), the votes of interested Parties not being taken into account (Art. 15 of Covenant).</p>	<p>Series E., No. 2, p. 140</p>	<p>Series B., No. 12; Series C., No. 10.</p>
<p><i>Opinion No. 13:</i></p> <p>Competence of the International Labour Organization to regulate incidentally the personal work of the employer. (July 23rd, 1926.)</p>	<p>The International Labour Organization.—Its incidental competence in regard to work done by the employer.—Parallel with Advisory Opinion No. 3.—Discretionary powers of the Organization and their limit; Article 423 of the Treaty of Versailles.</p>	<p>Series E., No. 3, p. 131</p>	<p>Series B., No. 13; Series C., No. 12.</p>

Name of the case.	Summary.	Short report.	Full report and relevant documents.
<p><i>Opinion No. 14:</i></p> <p>Case relating to the jurisdiction of the European Commission of the Danube between Galatz and Braila. (December 8th, 1927.)</p>	<p>The law in force on the Danube.—As regards the jurisdiction of the E. C. D., the Definitive Statute confirms the <i>de facto</i> 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.</p>	<p>Series E., No. 4, p. 201 Series E., No. 5, p. 223</p>	<p>Series B., No. 14; Series C., No. 13— IV (4 vols.).</p>
<p><i>Opinion No. 15:</i></p> <p>Jurisdiction of the Danzig Courts. (March 3rd, 1928.)</p>	<p>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.</p>	<p>Series E., No. 4, p. 213</p>	<p>Series B., No. 15; Series C., No. 14—I.</p>

Name of the case.	Summary.	Short report.	Full report and relevant documents.
<p><i>Opinion No. 16</i></p> <p>Interpretation of the Greco-Turkish Agreement of December 1st, 1926 (Final Protocol, Article IV). (August 28th, 1928.)</p>	<p>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.</p>	<p>Series E., No. 5, p.227</p>	<p>Series B., No. 16; Series C., No. 15—I.</p>

* * *

The list of cases for the Eighteenth (ordinary) Session, which begins on Monday, June 16th, 1930, includes :

the case of the Free Zones of Upper Savoy and the District of Gex (second phase);

the question of the interpretation of the Convention of November 27th, 1919, between Greece and Bulgaria respecting reciprocal emigration (question of the communities);

the question concerning the relations between the Free City of Danzig and the International Labour Organization.

The Eighteenth (ordinary) Session (June 16th, 1930).

* * *

The case of the Free Zones of Upper Savoy and the District of Gex was submitted for judgment by a special agreement between the French and Swiss Governments, dated at Paris, October 30th, 1924. The Court, on August 19th, 1929, made an order in the case (see below, p. 201, for a summary of this order and an account of the ensuing circumstances).

The Free Zones' case.

* * *

The question of the interpretation of the Greco-Bulgarian Convention of November 27th, 1919.

The question of the interpretation of the Greco-Bulgarian Convention of November 27th, 1919, was submitted to the Court for advisory opinion in pursuance of a Resolution of the Council of the League of Nations, dated January 16th, 1930. By a letter dated December 19th, 1929, the President of the Greco-Bulgarian Mixed Commission asked the Secretary-General of the League of Nations, in the name of the Bulgarian and Greek Governments, to lay before the Council a request that it would obtain, for the use of the Mixed Commission, an advisory opinion upon a number of questions, some formulated by the Mixed Commission itself, some by the Bulgarian Government and others by the Greek Government. These questions mainly relate to the communities referred to in Article 6 of the Convention, and concern either the character of these communities or the rights of their members in respect of the property of the communities and the rôle of the Greco-Bulgarian Mixed Emigration Commission in regard to them.

The Bulgarian and Greek Governments, which, in accordance with Article 73, paragraph 1, sub-paragraph 2, of the Rules of Court, were considered likely to be able to furnish information on the question, submitted written statements within the times fixed by presidential orders dated January 24th and February 4th, 1930. The written proceedings in the question were terminated on March 17th, 1930.

* * *

The question concerning the relations between the Free City of Danzig and the International Labour Organization.

The question concerning the relation between the Free City of Danzig and the International Labour Organization was submitted to the Court for advisory opinion under a Resolution of the Council dated May 15th, 1930. A request to this effect was laid before the Council by a letter dated April 26th, 1930, from the Director of the International Labour Office written on behalf of the Governing Body of the Office. The question is submitted in the following terms:

“Is the special legal status of the Free City of Danzig such as to enable the Free City to become a Member of the International Labour Organization?”

By an order dated May 19th, 1930, the President of the Court fixed June 30th, 1930, as the date of expiration of the time within which written statements on the question might be filed with the Registry of the Court on behalf of the Free City of Danzig, the Polish Government and the International Labour Organization, which, in accordance with Article 73, paragraph 1, sub-paragraph 2, of the Rules of Court, were considered as likely to be able to furnish information on the question. This time-limit was subsequently extended to July 10th, 1930, by an Order of Court dated June 28th.

* * *

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

CHAPTER IV.

JUDGMENTS AND ORDERS.

ORDER.

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

FIXING OF A TIME-LIMIT.

The Parties to a case before the Court may not depart from the terms of the Statute.—Interpretation of the Special Agreement: ascertainment of the common intention of the Parties and the construction which will render it possible to comply with that intention whilst keeping within the terms of the Statute.

Definition of the Court's task.—Interpretation of Article 435 of the Treaty of Versailles.—Fixing of a time-limit.

The Treaty of Peace signed at Versailles on June 28th, 1919, contains the following article: Outline of
the case.

“Article 435.

The High Contracting Parties, while they recognize the guarantees stipulated by the treaties of 1815, and especially by the Act of November 20th, 1815, in favour of Switzerland, the said guarantees constituting international obligations for the maintenance of peace, declare nevertheless that the provisions of these treaties, conventions, declarations and other supplementary acts concerning the

neutralized zone of Savoy, as laid down in paragraph 1 of Article 92 of the Final Act of the Congress of Vienna and in paragraph 2 of Article 3 of the Treaty of Paris of November 20th, 1815, are no longer consistent with present conditions. For this reason the High Contracting Parties take note of the agreement reached between the French Government and the Swiss Government for the abrogation of the stipulations relating to this zone which are and remain abrogated.

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

There are two annexes to this article. The first reproduces in all essential respects a communication dated May 5th, 1919, whereby the Swiss Federal Council informs the French Government that after examining the provisions of Article 435, it has reached the conclusion that it was possible to acquiesce in it under certain conditions and reservations. In particular, it makes the most express reservations regarding the interpretation of the statement contained in the second paragraph of the article to the effect that the free zones are no longer consistent with present conditions: it would not wish that its acceptance of this wording should lead to the conclusion that it would agree to the suppression of a system intended to give neighbouring territories the benefit of a special régime which is appropriate to their geographical and economic situation and has been well tested. In the opinion of the Federal Council, the question is not the modification of the customs system of the zones, as set up by the treaties mentioned, but only the regulation in a manner more appropriate to the economic conditions of the present day of the terms of the exchange of goods between the regions in question. Lastly, the Federal Council observes that it is conceded that the stipulations of the treaties of 1815 and other supplementary acts relative to the free zones will remain in force until a new arrangement is come to between France and Switzerland to regulate matters in this territory.

The second annex to Article 435 is a note from the French Government dated May 18th, 1919, in reply to the Swiss Government's communication. The French Government notes the acceptance of the article by the Swiss Government; as regards the conditions and reservations made, it observes that the provisions of the last paragraph of Article 435 are so clear that their purport cannot be misapprehended, especially where it implies that no other Power but France and Switzerland will in future be interested. The French Government bears in mind the desirability of assuring to the French territories concerned a suitable customs régime; but it is understood that this must in no way prejudice the right of France to adjust her customs line in this region in conformity with her political frontier, as is done on the other portions of her territorial boundaries and as was done by Switzerland long ago on her own boundaries in this region. The French Government finally states that it has no doubt that the provisional maintenance of the régime of 1815, as to the free zones referred to in the Swiss note of May 5th, the object of which clearly is to provide for the transition from the present régime to the conventional régime, will cause no delay whatsoever in the establishment of the new situation which is recognized to be necessary by the two Governments.

Subsequently the two Governments entered into negotiations with a view to concluding the agreement contemplated by the second paragraph of Article 435 of the Treaty of Versailles. They were however unable to agree as to the interpretation of that paragraph, and failed to conclude an agreement. In these circumstances, on October 30th, 1924, they signed at Paris a Special Arbitration Agreement, the preamble of which states that "France and Switzerland have been unable to agree in regard to the interpretation to be placed upon Article 435, paragraph 2, of the Treaty of Versailles, with its annexes", and that "it has proved impossible to effect the agreement provided for therein by direct negotiations" and that they "have decided to resort to arbitration in order to obtain this interpretation and for the settlement of all the questions involved by the execution of paragraph 2 of Article 435 of the Treaty of Versailles". The Special Agreement contains the following clauses amongst others:

Special
Agreement
for arbitra-
tion.

Article 1.

It shall rest with the Permanent Court of International Justice to decide whether, as between Switzerland and France, Article 435, paragraph 2, of the Treaty of Versailles, with its annexes, has abrogated or is intended to lead to the abrogation of the provisions of the Protocol of the Conference of Paris of November 3rd, 1815, of the Treaty of Paris of November 20th, 1815, of the Treaty of Turin of March 16th, 1816, and of the Manifesto of the Sardinian Court of Accounts of September 9th, 1829, regarding the customs and economic régime of the free zones of Upper Savoy and the Pays de Gex, having regard to all facts anterior to the Treaty of Versailles, such as the establishment of the Federal Customs in 1849, which are considered relevant by the Court.

The High Contracting Parties agree that the Court, as soon as it has concluded its deliberation on this question, and before pronouncing any decision, shall accord to the two Parties a reasonable time to settle between themselves the new régime to be applied in those districts, under such conditions as they may consider expedient, as provided in Article 435, paragraph 2, of the said Treaty. This time may be extended at the request of the two Parties.

Article 2.

Failing the conclusion and ratification of a convention between the two Parties within the time specified, the Court shall, by means of a single judgment rendered in accordance with Article 58 of the Court's Statute, pronounce its decision in regard to the question formulated in Article 1 and settle for a period to be fixed by it and having regard to present conditions, all the questions involved by the execution of paragraph 2 of Article 435 of the Treaty of Versailles.

Should the judgment contemplate the import of goods free or at reduced rates through the Federal Customs barrier or through the French Customs barrier, regulations of such importation shall only be made with the consent of the two Parties."

The Special Agreement, which was ratified on March 21st, 1928, was notified to the Registrar of the Court on March 29th, together with the text of two notes interpreting the Special Agreement exchanged on October 30th, 1924, between the

French Minister for Foreign Affairs and the Swiss Minister to France. These notes are to the effect that :

“(1) until the Court’s definitive decision shall have been given, neither Party shall take any steps calculated to modify the *de facto* situation now prevailing at the frontier between Switzerland and the French territories mentioned in Article 435, paragraph 2, of the Treaty of Versailles ;

(2) no objection shall be raised on either side to the communication by the Court to the Agents of the two Parties, unofficially and in each other’s presence, of any indications which may appear desirable as to the result of the deliberation upon the question formulated in Article 1, paragraph 1, of the Arbitration Convention ;

(3) the words ‘present conditions’ in Article 2, paragraph 1, of the Arbitration Convention refer to the ‘present conditions’ contemplated in Article 435, paragraph 2, with its annexes, of the Treaty of Versailles”.

The Parties each filed with the Registry of the Court a Case, a Counter-Case and a Reply, within the times laid down by an order made by the President of the Court, and the case was entered in the list for the Seventeenth (ordinary) Session of the Court, which began on June 17th and ended on September 10th, 1929. The Court heard the oral arguments and replies of the representatives of the Parties on July 9th, 10th, 11th, 12th, 13th, 15th, 16th, 18th, 19th, 22nd and 23rd, 1929. Hearings.

The Court on this occasion was composed as follows :

MM. ANZILOTTI, *President*,

LODER,

NYHOLM,

DE BUSTAMANTE,

ALTAMIRA,

ODA,

HUBER,

PESSÔA,

HUGHES,

MM. NEGULESCO,

WANG,

} *Judges*,

} *Deputy-Judges*.

Composition
of the Court.

M. DREYFUS, appointed as judge *ad hoc* by the French Government, also sat on the Court for the purpose of this case.

* * *

Order of
Court (ana-
lysis).

On August 19th, 1929, the Court made an order in the case.

In this order, after setting out the final submissions of the Parties and quoting Article 435 of the Treaty of Versailles and the relevant passages of the annexes to that article, the Court considers how it behoves it to carry out the mission entrusted to it. Under the second paragraph of Article 1 of the Special Agreement, it is simply asked to grant to the two Parties a reasonable time to settle between themselves a new régime for the free zones as soon as it has concluded its deliberations upon the interpretation of Article 435 of the Treaty of Versailles—which question is submitted to it by paragraph 1 of Article 1 of the Special Agreement—and before pronouncing any judgment; but, by notes exchanged on October 30th, 1924, the Parties have, amongst other things, agreed that no objection shall be raised on either side to the communication by the Court to the Agents of the two Parties, unofficially and in each other's presence, of any indications which may appear desirable as to the result of the deliberations referred to. The spirit and letter of the Statute however do not allow the Court unofficially to communicate to the Parties the result of its deliberations upon a question submitted to it for decision, and in contradistinction to that which is permitted in regard to the Rules (Article 32) the Court cannot, on the proposal of the Parties, depart from the terms of the Statute.

Considering however that the obstacle to the agreement contemplated by Article 435 of the Treaty of Versailles appears in reality to be the failure of the Parties to reach an understanding regarding the interpretation to be placed on that article and its annexes, it would be useless to grant a time for the conclusion of an agreement without at the same time or previously indicating the meaning of the disputed text. Furthermore, the judicial settlement of international disputes, for which purpose the Court has been established, is simply an alternative to the direct and friendly settlement of such disputes between the Parties: accordingly, it behoves

the Court to facilitate such settlement as far as is compatible with its Statute.

These considerations lead the Court to the conclusion that—since the clauses of a Special Agreement must, if it does not involve doing violence to their terms, be construed in a manner enabling them to have appropriate effects—it is possible to give effect in all essential respects to the common will of the Parties by indicating, in the grounds of the order which the Court must in any event make fixing a time-limit, the result of its deliberations upon the question of interpretation; moreover, orders, in contradistinction to judgments, although generally read in open Court, have no “binding” force (Article 59 of the Statute) or “final” effect (Article 60 of the Statute) in deciding the dispute brought before the Court. The Court adds however that henceforth Special Agreements submitting disputes to it should be formulated with due regard to the forms to be observed by the Court in accordance with the constitutional provisions governing its activity, in order that it may be able to deal with such disputes in the ordinary course, and without resorting, as in this case, to a construction which must be regarded as strictly exceptional.

After excluding as evidence at the present stage of the case a volume filed at the hearing by the Agent for the Swiss Government without the assent of the French Agent, the Court then proceeds to consider the question put to it by the Special Agreement, and first of all defines the function entrusted to it by that document.

As already indicated, the Special Agreement relates to the effects of the disputed clause of the Treaty of Versailles “as between France and Switzerland”; this phrase has the effect of limiting the function of the Court solely to that of determining the reciprocal rights and obligations arising under the said clause for the two countries in connection with the régime of the free zones, apart from the legal relations as between signatories of the Versailles Treaty resulting from this article. Again, the Special Agreement leaves the Court entirely free to interpret the disputed clause in respect both of the question whether it has abrogated the former provisions and of the question whether it has for its object their abrogation; accordingly, if the Court arrives at the conclusion that

the clause has not abrogated these provisions, it is not obliged to say that it has for its object their abrogation, but may on the contrary say that this is not the intention of the article. That this is the case clearly appears from the aim of the Special Agreement as indicated in the preamble, from the fact that the real divergence between the Parties relates to the question whether the régime of the zones could be abolished without Switzerland's consent, and from the fact that the Court cannot as a general rule be compelled to choose between constructions determined beforehand none of which may correspond to the opinion at which it may arrive.

Lastly, the Court observes that if France and Switzerland succeed in reaching the agreement in view of which provision is made for the time-limit to be fixed by it, that agreement, whatever its contents may be, will have the formal effect of abrogating the provisions of 1815-1816, and that therefore the Court, in replying to the question whether the Treaty has for its object the abrogation of these provisions, must, if its answer is to serve any useful purpose, say whether or no Switzerland is obliged to accept as the basis of the future agreement the abrogation of the régime of the free zones, that is to say, in particular the transfer of the French customs barrier in these territories to the political frontier.

Having thus defined the meaning of the question submitted, the Court approaches the merits of the problem. Has Article 435, paragraph 2, of the Treaty of Versailles abrogated the provisions of 1815-1816? The Court replies that it has not. For the disputed clause draws from the statement that those provisions are not consistent with present conditions no conclusion other than that France and Switzerland are to settle between themselves the status of the free zones, a conclusion which is tantamount to a declaration of disinterestedness as regards that status, on the part of the contracting Parties to the Treaty of Versailles other than France. Moreover, in paragraph 1 of the same article, the similar statement regarding the neutralized zone also does not automatically involve the abolition of that zone, since it is followed by a declaration whereby the High Contracting Parties note an agreement already concluded between France and Switzerland "for the abrogation of the stipulations relating to this zone"

adding that these stipulations "are and remain abrogated". Lastly, Article 435 of the Treaty of Versailles is not, in any event, binding on Switzerland, which is not a Party to this Treaty, except to the extent to which that country has itself accepted it. This extent is determined by the Swiss note of May 5th, 1919, an extract from which constitutes Annex I to the said article and in which it is expressly stated that "the Federal Council would not wish that its acceptance of the above wording [i.e. Article 435, paragraph 2, of the Treaty of Versailles] should lead to the conclusion that it would agree to the suppression of a system which has been well tested".

Accordingly, the disputed clause could only be operative as between France and Switzerland if Switzerland's consent were unnecessary for abrogation. But this is not so: the actual terms of Article 435 would seem to presuppose the existence of a right on the part of Switzerland derived from the former stipulations; in the same connection, Switzerland's consent has in fact been sought; lastly, the contracting Parties to the Treaty of Versailles have inserted after Article 435 the Swiss note of May 5th, 1919, which, in the Court's opinion, is entirely based on the existence of such a right on the part of Switzerland. Again, with regard to the Sardinian zone, Switzerland, as a Party to the Treaty of Turin of March 16th, 1816, has acquired a contractual right to the withdrawal of the customs barrier in that district; as regards the zone of Saint-Gingolph, the Court is of opinion that the Manifesto of the Royal Chamber of Accounts of Sardinia dated September 9th, 1829, is still effective, the above-mentioned Treaty of Turin not having been abrogated; lastly, with regard to the zone of Gex, all the instruments concerning it and the conditions in which they were executed show that the intention of the Powers was, *inter alia*, to create in favour of Switzerland a right on which she could rely.

With regard to Annex II to Article 435, which is a French note, dated May 18th, 1919, it cannot in any circumstances affect the conditions of the Federal Council's acquiescence, which is a unilateral act on the part of Switzerland.

The foregoing conclusion, as to Switzerland's right, is based on an examination of the situation of fact; it follows that the Court need not decide as to the extent to which inter-

national law takes cognizance of the principle of "stipulations in favour of third parties".

But, if the disputed clause has not abrogated the former stipulations, has it for object their abrogation? Again the answer is no. From their statement as to the inconsistency of the former stipulations with present conditions, the Powers have not drawn any conclusion other than that it is for France and Switzerland to settle by agreement the status of the territories in question, without in any way prejudging the question of the contents of this agreement which, therefore, may or may not, according to the common will of the Parties, lead to the abrogation of the régime of the free zones; and since Switzerland, in her note of May 5th, 1919, made an express reservation regarding abolition in the future of the régime of the free zones resulting from the former stipulations concerning them, it is impossible to conclude that as between France and Switzerland, the aforesaid article and its annexes is intended necessarily to lead to the abrogation of the said stipulations, thus compelling Switzerland to accept the abrogation of the régime of the free zones as the only possible basis of the future agreement between herself and France.

Under the terms of the Special Agreement, the Court was to have regard to all facts antecedent to the Treaty of Versailles, such as the establishment of the Federal customs in 1849, which might be considered relevant by it. In performing the function entrusted to it as defined above, the Court has had regard to those facts which, in its view, are clearly relevant in that they explain why the High Contracting Parties to the Treaty of Versailles, after their declaration to the effect that the stipulations at issue are no longer consistent with present conditions, have concluded that it rests with France and Switzerland to effect settlement by agreement. The Court does not consider that the view arrived at by it with regard to the interpretation of Article 435 is weakened by the facts referred to; on the contrary, it holds that this view is corroborated by the facts relating to the drafting of Article 435 of the Treaty of Versailles which have been cited before it.

Having thus given its opinion as to the true interpretation of Article 435, paragraph 2, of the Treaty of Versailles, with

its annexes, the Court, holding that in the circumstances of the case, a period of about nine months seems sufficient to allow the Parties to establish the basis of an agreement which they have themselves on many occasions recognized as highly desirable, accords to the Government of the French Republic and to the Government of the Swiss Confederation a period expiring on May 1st, 1930, to settle between themselves, under such conditions as they may consider expedient, the "new régime" to be applied in the districts contemplated by Article 435, paragraph 2, of the Treaty of Versailles.

* * *

The Order of Court is followed by three separate opinions, delivered respectively by MM. Nyholm, judge, Negulesco, deputy-judge, and Dreyfus, judge *ad hoc*; these three judges, whilst agreeing with the operative part of the order, declared that they were unable to agree with the reasons to the extent indicated by themselves in their opinions. M. Pessôa, whilst agreeing with the order, attached thereto certain observations.

Dissenting
opinions.

* * *

Under the terms of Article 4 of the Special Agreement, by which the case was submitted to the Court, should the Court, failing an agreement between the Parties, be called upon itself to settle all the questions involved by the execution of Article 435, paragraph 2, of the Treaty of Versailles, it was to grant the Parties reasonable times for the production of all documents, proposals and observations which they might see fit to submit to the Court for the purposes of this settlement and in reply to those submitted by the other Party.

Course of
events follow-
ing the order.

By a letter dated March 28th, 1930, the Swiss Federal Political Department informed the Registrar of the Court that the negotiations entered into in accordance with the order of August 19th, 1929, had not led to the discovery of the bases of an agreement, so that it appeared materially impossible for a convention to be concluded and ratified by the Parties before May 1st, 1930. The Federal Political Department's communication accordingly asked that the necessary steps

should be taken to fix the times referred to in Article 4 of the Special Agreement.

Furthermore, on April 29th, the Agent for the French Government also informed the Court that it had proved impossible to conclude the agreement between the Parties.

In these circumstances, and after having ascertained the Parties' wishes with regard to the length of the times to be fixed, the President of the Court, by an order dated May 3rd, 1930, decided to grant the Governments concerned a first time-limit expiring on July 31st, 1930, and a second (for replies to the documents, proposals and observations filed within the first time-limit) expiring on September 30th.

JUDGMENT No. 16
AND ORDERS OF AUGUST 15th AND 20th, 1929.

CASE CONCERNING THE TERRITORIAL JURISDICTION
OF THE INTERNATIONAL COMMISSION OF THE ODER.

Orders relating to the evidence.

Inadmissibility in evidence of preparatory work in which all the Parties to the case have not participated.

Order as to the submissions.

In a case submitted by Special Agreement, a Party cannot claim only to make submissions orally in regard to one of the questions put.

Judgment on the merits.

The inapplicability in the case under consideration of the Barcelona Convention; the Court's duty *ex officio* to consider any question of law even if not raised by the Parties; failing an express provision to that effect, a convention only acquires binding force after ratification.—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.

Part XII of the Treaty of Peace, signed at Versailles on June 28th, 1919, contains in Chapter III of Section II, clauses concerning certain European rivers. According to Article 331 in this chapter, these rivers—including the Oder—are declared international, from a point which is laid down in each case, Outline of
the case.

as also "all navigable parts of these river systems which naturally provide more than one State with access to the sea, with or without transshipment from one vessel to another; together with lateral canals and channels constructed either to duplicate or to improve naturally navigable sections of the specified river systems, or to connect two naturally navigable sections of the same river". Articles 332 to 337 lay down the navigation régime applicable to these river systems. Article 338 states that this régime "shall be superseded by one to be laid down in a general convention drawn up by the Allied and Associated Powers and approved by the League of Nations". Article 341, which deals specially with the Oder, places that river under the administration of an international commission which will include representatives of Poland, Prussia, Czechoslovakia, Great Britain, France, Denmark and Sweden. Article 343 lays down that this commission is to meet within three months of the date of coming into force of the Treaty and is to prepare a project for the revision of the existing regulations. Lastly, Article 344 states that this project shall, *inter alia*, define the sections of the river or its tributaries to which is to be applied the international régime, that is to say the régime laid down by Articles 332 to 337 or that established by the general convention mentioned in Article 338.

The International Commission of the Oder met for the first time in 1920 and at once undertook to prepare the draft act of navigation contemplated by Article 343. Difficulties, however, arose when it came to the definition of the sections to which the international régime was to apply. In the course of the Commission's deliberations, the Polish delegate maintained that the Warthe (Warta), should be internationalized from its confluence with the Oder up to the Polish frontier, adding that the situation was the same as concerned the Netze (Noteć) in so far as it was navigable. The Prussian delegate, on the contrary, argued that if the principle of the internationalization of tributaries was to be adopted, it must be integrally maintained and the navigable portions of tributaries situated in Polish territory should not be excluded from the international river system. The other delegates, except the Polish delegate, more or less completely took the same view.

In January 1924, the Commission, in view of the failure to reach agreement, and holding that it could not proceed with its task, requested its members to approach their respective governments on the matter. Following upon this resolution, the British and French Governments asked that the questions should be submitted to the Advisory and Technical Committee for Communications and Transit of the League of Nations. This body, applying the procedure provided for by the Resolution of the Assembly of the League of Nations dated December 9th, 1920, and by Article 7 of the Rules for its organization, adopted in November 1924, by a majority vote, a "suggestion for conciliation" which was communicated to the International Oder Commission and to the governments represented thereon. The "suggestion" was however rejected by Poland, while Germany reserved her opinion. In view of the deadlock thus reached, the Advisory and Technical Committee declared the procedure of conciliation closed, and the Oder Commission once more invited its members to refer the matter to their governments.

The governments concerned then authorized their delegates on the Oder Commission to draft a Special Agreement to bring the matter before the Court. This Special Agreement was signed in London on October 30th, 1928, by the representatives of the Governments of His Britannic Majesty in the United Kingdom of Great Britain and Northern Ireland, of Czechoslovakia, of Denmark, of France, of Germany and of Sweden (hereinafter referred to as the Six Governments) of the one part, and the Polish Government of the other part. According to the Special Agreement, which was notified to the Court on November 29th, 1928, the Court is asked to decide the following questions :

**Special Agree-
ment for arbi-
tration.**

"Does the jurisdiction of the International Commission of the Oder extend, under the provisions of the Treaty of Versailles, to the sections of the tributaries of the Oder, Warthe (Warta) and Netze (Noteć), which are situated in Polish territory, and, if so, what is the principle laid down which must be adopted for the purpose of determining the upstream limits of the Commission's jurisdiction?"

The Parties each filed a Case and Counter-Case within the times fixed for the purpose by the Court; at their request,

the submission of written replies was dispensed with. The case was then placed on the list for the Seventeenth (ordinary) Session of the Court, which opened on June 17th and terminated on September 10th, 1929.

Composition of the Court. The following judges composed the Court for the hearing of this case :

MM. ANZILOTTI,	<i>President,</i>	
HUBER,	<i>Vice-President,</i>	
MM. LODER,		} <i>Judges,</i>
NYHOLM,		
DE BUSTAMANTE,		
ALTAMIRA,		
ODA,		
PESSÓA,		
HUGHES,		} <i>Deputy-Judges.</i>
MM. NEGULESCO,		
WANG,		

According to paragraph 4 of Article 31 of the Statute, should there be several Parties in the same interest, they will be reckoned as one Party only for the purpose of the provisions relating to the appointment of judges *ad hoc*. Accordingly, although the British, Czechoslovak, French, German and Swedish Governments had no judge of their nationality upon the Bench, they were not called upon to appoint one, since the Court included a Danish judge. Only the Polish Government possessed this right, which it duly exercised by appointing Count ROSTWOROWSKI.

* * *

First Order of Court in regard to the evidence. Before beginning the hearing of the case, the Court found it necessary to make two orders in regard to the evidence. The Polish Government had, in its Case, directly or indirectly referred in several places to the work done in the preparation of the relevant articles of the Treaty of Versailles. In their Counter-Case, the Six Governments replied by requesting the Court to follow its previous decisions and to refuse to admit any recourse to such preparatory work for the purpose of putting upon a text an interpretation different from the

plain meaning of the language used; the Court was also asked to disregard the arguments based upon these references and to give a ruling upon this question at the hearing of the oral arguments.

The Court, as composed above, considering that before hearing the oral arguments upon the merits it must give a decision as to the admissibility as evidence in this case of the records cited, invited the Parties, by an order made on August 15th, 1929, to submit their observations and final submissions upon this question before arguing the case on its merits.

These observations and submissions were presented on August 20th, 1929. On the same date, the Court (again composed as above) made a second order disposing of the question. It ruled that any passages in the documents of the written proceedings quoted from the preparatory work in question, which was that performed by the Commission on Ports, Waterways and Railways of the Conference which prepared the Treaty of Versailles, should be excluded as evidence from the proceedings in the case. The Court bases this decision, firstly, on the fact that the Agent for the Polish Government had stated that he did not insist upon making use in his defence of the records quoted, though he reserved the right in the argument on the merits to avail himself of references to or citations from the said records, in so far as they had already been made public; secondly, on the fact that three of the Parties concerned in the case had not taken part in the work of the Conference referred to; that, consequently, the record of this work—whether previously published or not—could not be used to determine, in so far as they were concerned, the import of the Treaty, and that, in a given case, no account can be taken of evidence which is not admissible in respect of certain of the Parties to that case.

Second Order
of Court in
regard to the
evidence.

* * *

The Court also found it necessary to make another order before the hearing. This order relates to the submissions of the Parties. By the Special Agreement, the Court was asked to decide two questions. The Polish Government, however,

Order as to
submissions.

in its Counter-Case, made submissions solely relating to the first question, and, in regard to the second, it confined itself to reserving the right to state its case in regard to the solutions proposed by the Six Governments in the course of the oral proceedings.

The Court (as composed above), by an order made on August 15th, 1929, invited the Polish Government to file its submissions as to the second question before the beginning of the hearing. The order states that in a case submitted to the Court by Special Agreement, and in which therefore there is neither Applicant nor Respondent, the Parties must have an equal opportunity reciprocally to discuss their respective contentions; that this is the reason for the provision laying down that in cases submitted in this way, the written documents are to be filed simultaneously by both Parties; and that, accordingly, the Six Governments must be enabled to discuss, in the first oral argument and not only in their reply, any alternative submissions of the Polish Government.

The submissions in question were duly filed within the time fixed.

Hearings. The hearing lasted from August 20th to 24th, 1929, inclusive, and the Court's judgment was given on September 10th, 1929.

* * *

Judgment of the Court (analysis). Before dealing with the questions submitted to it on their merits, the Court disposes of two preliminary points which had been argued by the Parties. The first relates to the meaning of the word "Oder" in Article 341 of the Treaty of Versailles. This article simply mentions the name of the river and not the "river system" alluded to in Article 331. The Polish Agent contended that, if reliance were placed on Article 341, the jurisdiction of the Commission extended to "the Oder" alone. The Court overrules this argument: whatever value it might have in relation to the provisions of the Treaty of Versailles, it is certain that it cannot be admitted to change the terms of the questions put to the Court which cannot be either modified or extended by one of the Parties; but these questions proceed on the assumption that the Oder Commission's jurisdiction also extends over the tributaries.

The second point relates to the applicability of the Statute annexed to the Convention relating to the régime of navigable waterways of international concern, signed at Barcelona on April 20th, 1921. This Convention—and this is not disputed by the Parties—is that which, under the terms of Article 338 of the Treaty of Versailles, is to supersede the régime of internationalization contained by Articles 332 to 337. The Six Governments based their principal argument upon this Convention. The Polish Government, on the other hand, had argued, before the opening of the proceedings before the Court, that that Convention not having been ratified by it, could not be invoked against it. The Polish Government did not re-advert to this argument in the documents of the written proceedings, but only at the hearing; whereupon the Six Governments asked the Court to reject *in limine* the Polish contention, which they believed to have been abandoned: they contended that it would be contrary to the letter and spirit of the Rules of Court to admit new contentions at an advanced stage of the proceedings and after the opposing Party had been led to believe that such arguments would not be put forward.

The Court considers that the objection of the Six Governments is untenable, since the matter is purely one of law such as the Court could and should examine *ex officio*.

Proceeding next to consider this matter, the Court observes that the applicability of the Barcelona Convention is governed by the interpretation of Article 338 of the Treaty of Versailles; the question is whether the supersession—provided for by that article—of the régime laid down in Articles 332 to 337 by that laid down in the Convention, depends on the ratification of the latter by the States concerned. The Court infers from the use of the word "Convention" in the article that the reference is to a convention to be made effective in accordance with the ordinary rules of international law, amongst which is the rule that conventions, save in certain exceptional cases, only become binding by virtue of ratification. If any doubt remained in this respect, it would be dispelled by the provisions of the Convention itself, which clearly make the coming into force of the Convention as regards each of the Parties depend upon ratification. It follows that the Barcelona

Convention cannot be invoked against Poland in this case and that the questions submitted to the Court must be resolved solely on the basis of the Treaty of Versailles.

The Court next proceeds to examine the questions submitted to it by the Special Agreement. It observes first, having regard to the general arrangement of the relevant chapter of the Treaty of Versailles, that when a river commission is set up for an international river, its jurisdiction extends to all internationalized portions of the river and river system; accordingly, the question put must be answered on the basis of Article 331 which defines the territorial limits of the international régime on the Oder, amongst other rivers. The only point now in dispute is the meaning of the words "all navigable parts of these river systems which naturally provide more than one State with access to the sea". This clause, in the Court's opinion, proves that internationalization is subject to two conditions: navigability (which is not disputed in this case) and access to the sea for more than one State.

The Court holds that this latter condition is to be understood: it refers to tributaries as such, so that if a tributary in its naturally navigable course traverses or separates different States, it falls as a whole within the above definition. Accordingly, it does not solely refer to that part of each tributary which provides more than one State with access to the sea; and the upper part of the tributary or sub-tributary does not cease to be internationalized above the last frontier crossing its naturally navigable course.

In arriving at this conclusion, the Court in the first place relies to some extent upon arguments of a grammatical nature. In the next place, the Court observes that a text can only be construed in the way most favourable to the freedom of States if its meaning is really doubtful, and that the meaning cannot be affirmed to be doubtful until recourse has been had to all methods of interpretation and, in particular, to the principles underlying the matter to which the text refers. The Court therefore goes back to the principles governing fluvial law in general and considers what position was

adopted by the Treaty of Versailles in regard to these principles.

Of course, the desire to provide the upstream States with the possibility of free access to the sea has played a considerable part in the formation of the principle of freedom of navigation on so-called international rivers. But the conception underlying international river law, as laid down by the Congress of Vienna and subsequently developed, is not the idea of a mere right of passage in favour of upstream States, but rather the idea of a community of interests, on which is based a community of legal right the essential features of which are the perfect equality of all riparian States in the user of the whole course of the river and the exclusion of any preferential privilege of any one riparian State in relation to the others. This community of right necessarily extends to the whole navigable course of the river and does not stop short at the last frontier.

The Treaty of Versailles, for its part, has yet further extended this idea by adopting the position of complete internationalization, that is to say, the free use of the river for all States, riparian or not. The interest of all States is in the liberty of navigation in both directions, a fact which explains the introduction of the representatives of non-riparian Powers on the river commissions. Again, the Treaty of Versailles adopts geographical points in fixing the limit from which rivers are internationalized without taking any account of the last political frontier, and, in cases where this limit is not fixed, Article 344 makes it the duty of the international commissions set up, to define the sections of the river or its tributaries to which the international régime shall be applied. This provision, which places the river and its tributaries on the same footing, is easily understood if, in the case of the tributaries as in the case of the river, the delimitation depends on certain material circumstances, the application of which involves a more or less discretionary element; but it would have no meaning if the limit of internationalization of the tributaries was determined by the last political frontier.

Article 331, therefore, must be construed in the light of these principles, which leave no doubt that the internationalization of a waterway traversing or separating different

States extends to the whole navigable river and does not stop short at the last political frontier. The answer to the first question put to the Court is consequently in the affirmative.

As regards the second question, the Court is asked to say what is the law which should govern the fixing of the upstream limits of the Commission's jurisdiction. This law is to be found in Article 331 of the Treaty of Versailles, from the terms of which the Court infers that the jurisdiction of the Commission extends to the points at which the Warthe (Warta) and the Netze (Noteć) cease to be either naturally navigable, or navigable by means of lateral channels or canals which duplicate or improve naturally navigable sections or connect two naturally navigable sections of the same river.

* * *

Dissenting
opinions.

The Court's judgment was adopted by nine votes to three. MM. de Bustamante and Pessôa, judges, and Count Rostrowski, judge *ad hoc*, declared that they were unable to concur in the judgment of the Court and availed themselves of the right conferred on them by Article 62 of the Rules of Court to attach to the judgment a statement of their dissent. They did not, however, use their right to append thereto their separate opinions. M. Huber, Vice-President, while agreeing with the judgment, made certain reservations concerning the reasons which led the Court to exclude all application of the Barcelona Convention and attached to the judgment his observations on this subject.

CHAPTER V.
—
ADVISORY OPINIONS.
—

(Between June 15th, 1929, and June 15th, 1930, the Court has delivered no advisory opinion.)

ANNEX TO CHAPTERS IV AND V.

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

Note.

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

It is prepared exclusively from the Court's Publications Series A. and B., to which it contains references, and it comprises nothing but quotations from these volumes. It may, however, be well to draw attention to the fact that the Court's Publications of the E. Series (Annual Reports) contain summaries of the Court's judgments and opinions which, although they do not commit the Court, have been prepared by the Registry, and that Series C. contains the records and documents relating to each particular case¹.

Explanation of abbreviations:

- A 1, A 2, etc., means: No. 1, 2, etc., of Series A. of the Court's Publications.
B 1, B 2, etc., means: No. 1, 2, etc., of Series B. of the Court's Publications.
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¹ For the complete list of volumes which have been published in Series A. and B. of the Court's Publications, see Chapter VII, p. 329.

ANALYTICAL INDEX
OF THE COURT'S JUDGMENTS AND OPINIONS.

A.

ACCESS TO THE SEA : see *River systems* (Internationalization of—).

ACQUISITION OF NATIONALITY (*Polish*) : see *Polish Nationality*.

” ” ” ” (French, Moroccan, Tunisian) :
B 4, pp. 16-17.—See also *Nationality* (Decrees of—).

“ACTS COMMITTED” : see *Claims*.

ADMISSIBILITY OF A SUIT : see *Fins de non-recevoir*.

ADVISORY OPINION :

Refusal by the Court to give an advisory opinion for which it has been asked : B 5, p. 29.

Grounds for refusal : B 5, pp. 27-29.

An advisory opinion may not be given when the fact of replying to a question asked would be substantially equivalent to deciding the dispute between Parties which have not accepted the Court's jurisdiction as compulsory : B 5, p. 29.

See also *Questions submitted to the Court for advisory opinion*.

AGREEMENTS CONCLUDED BETWEEN POLAND AND THE FREE CITY OF DANZIG :

(1) Provisional Agreement of July 21st, 1921 (*provisorisches Beamtenabkommen*) : B 15, p. 9.

(2) Definitive Agreement of October 22nd, 1921 (*endgültiges Beamtenabkommen*) : B 15, pp. 9-10.

Nature of this Agreement : B 15, pp. 16-18.

Analysis and scope of its provisions (Art. 1, 4, 6, 7, 9, 11, 12) : B 15, pp. 18-21.

Declarations provided for in Article 1 of this Agreement ; nature of these declarations : B 15, pp. 21-23.

The *Beamtenabkommen* and the jurisdiction of the Danzig Courts : B 15, pp. 23-24.

(3) “Arrangement” of September 23rd, 1921 : B 15, p. 10.

(4) Memorandum (*Niederschrift*) of December 1st, 1921 : B 15, pp. 10-20.

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- DANUBE, *Jurisdiction of European Commission of—, between Galatz and Braila*:
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 Circumstances of the question: B 14, pp. 11-22.
- DANUBE, *Regulations of European Commission of—*: see *Regulations*.
- DANZIG (*Port of—*):
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- DANZIG (*Courts of—*): question concerning jurisdiction of—referred to Court for advisory opinion: B 15, p. 5 *et passim*.
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- DANZIG (*Jurisdiction of Courts of—to adjudicate upon pecuniary claims of Danzig officials transferred to the service of the Polish Railways Administration*):
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FRANCE (*Government of—*):

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Directly concerned in the questions concerning the competence of the International Labour Organization in regard to Agriculture:

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A 6, *passim*.—A 7, *passim*.—A 9, *passim*.—A 13, pp. 7, 11, 19, 20.—

A 17, p. 5 *et passim*.

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

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„ 69 : „ „ „ „ p. 38.

GENEVA CONVENTION (Special reference) (*cont.*):

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„ 74: „ „ „ p. 33.

„ 106: „ „ „ pp. 35-36.

„ 131: „ „ „ „ 36-37.

„ 132: „ „ „ p. 37.

„ 562: „ 9, „ 13.

„ 588: „ „ „ „ 11.

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Applicant in the case concerning the Factory at Chorzów (indemnities): A 9, p. 4 *et passim*.

Applicant in the case concerning certain rights of minorities in Upper Silesia (minority schools): A 15, p. 4 *et passim*.

Applicant in case of the Chorzów Factory (indemnities): A 17, p. 4 *et passim*.

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

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

Party in the case concerning the interpretation of Judgments Nos. 7 and 8: A 13, p. 4 *et passim*.

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See also *Governments (The Six—)*.

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GREAT BRITAIN (*Government of—*):

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

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

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Respondent in the case of the Mavrommatis Concessions at Jerusalem (readaptation): A 11, p. 4 *et passim*.

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

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

Directly concerned in the question concerning the jurisdiction of the European Commission of the Danube: B 14, pp. 6, 9, 14 *et passim*.

Party in the case concerning the territorial jurisdiction of the International Commission of the Oder: A 23, p. 5 *et passim*.

See also *Governments (The Six—)*.

GREECE (*Government of—*):

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

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H.

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Definition of the disputed points in regard to this Decision: B 15, p. 16.

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- HUBER (M.—), Judge of the Court (1921-), President (1925-1928) and Vice-President (1928-): A 1, pp. 11, 15, 35 (dissenting opinion).—A 2, p. 6.—A 3, p. 4.—A 4, p. 4.—A 5, pp. 6, 51.—A 6, pp. 4, 28.—A 7, pp. 4, 82.—A 9, pp. 4, 34.—A 10, pp. 4, 33.—A 11, pp. 4, 24.—A 13, pp. 4, 22.—A 15, pp. 4, 47, 48 (dissenting opinion).—A 17, pp. 4, 99.—A 20, p. 5.—A 21, p. 93.—A 23, pp. 5, 32, 33 (observations).—B 4, p. 7.—B 5, p. 7.—B 6, p. 6.—B 7, p. 6.—B 8, p. 6.—B 9, p. 6.—B 10, pp. 6, 26.—B 11, pp. 6, 41.—B 12, pp. 6, 33.—B 13, pp. 6, 24.—B 14, pp. 6, 70.—B 15, p. 4.—B 16, p. 4.
- HUGHES (Mr.—), Judge of the Court (1928-1930; resigned 1930): A 20, p. 5.—A 21, p. 93.—A 23, p. 5.

I.

- ILLEGAL ACT (*Conception of—*) at international law, as a ground for reparation: A 17, p. 47.
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- INDEMNITIES *claimed by Germany in the case concerning the Factory of Chorzów*: A 9, pp. 5-7.—A 17, pp. 6-11.
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- INSTRUMENTS, INTERNATIONAL, RELATING:
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 - (b) ,, *Morocco*: B 4, pp. 27-28, 29, 30;
 - (c) ,, *Panama Canal*: see *Panama Canal*;
 - (d) ,, *Suez Canal*: see *Suez Canal*;
 - (e) ,, *Danube*; history of these instruments: B 14, pp. 38-46;
 - (f) ,, *Oder*: see *Versailles* (Treaty of—), Part XII, Section II.
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A 23, p. 26.

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

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

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

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

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

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

INTERPRETATION *of a text by the Court for the purposes of a judgment or an advisory opinion* :

Analysis of the factors taken into consideration :

(a) Municipal legislation (see *Legislation, municipal, national*) as a means for the interpretation of international instruments: B 10, pp. 11, 19, 21.

The Court having to decide as to the meaning and scope of a municipal law, considers that it must have regard to the relevant judicial decisions: A 20, p. 46.—A 21, p. 124. (See also *Public Policy*.)

See also *Special Agreement*.

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

Other international instruments: B 14, pp. 46-55.—B 15, pp. 14, 18-21.

(c) Preparatory work preceding the drafting of the text to be interpreted: A 10, pp. 16-17.—B 2, p. 41.—B 10, p. 16.—B 12, pp. 23-24.—B 14, pp. 31, 35.

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

INTERPRETATION OF THE GRECO-TURKISH AGREEMENT OF DECEMBER 1ST, 1926 (Final Protocol, Art. IV) :

Question submitted to Court for advisory opinion: B 16, pp. 4-6 *et passim*.

Circumstances of the case: B 16, pp. 8-12.

See also *Agreement (Greco-Turkish—) of December 1st, 1926,—Declaration IX,—Lausanne (Convention of—), and Lausanne (Treaty of—)*.

INTERPRETATION *of a judgment*, in accordance with Article 60 of the Statute: A 4, pp. 4, 5, 6, 7.—A 13, *passim*, and particularly pp. 15-16.

Conditions required by Article 60: A 13, pp. 10-12.

Does Article 60, according to its tenor, require the manifestation of the existence of the dispute in a specific manner as for instance by diplomatic negotiations? A 13, p. 10.

Scope and binding effect of the interpretation within the meaning of Article 60: A 13, p. 21.

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

See also *Newilly (Treaty of—)*, and *Judgments Nos. 7 and 8*.

"INTERPRETATION AND APPLICATION" of a Convention; meaning and scope of this expression, more especially as regards the Geneva Convention of May 15th, 1922: A 9, pp. 20-25.
See also: A 9, pp. 39-41.

INTERVENTION (*Statute*, Articles 62, 63; *Rules*, Articles 58, 59):
Application of the Polish Government in the *Wimbledon* case:
A 1, p. 9.
Intervention of a State which is a Party to an international Convention, the construction of which forms the subject of the dispute (*Statute*, Article 63): A 1, p. 12.
See also: B 7, p. 9.

ITALY (*Government of—*):
Co-applicant in the *Wimbledon* case: A 1, p. 6 *et passim*.
Directly concerned in the question concerning the jurisdiction of the European Commission of the Danube: B 14, p. 6 *et passim*.

J.

JAPAN (*Government of—*):
Co-applicant in the *Wimbledon* case: A 1, p. 6 *et passim*.

JAWORZINA (Javorina) (*Question of—*), concerning the frontier between Poland and Czechoslovakia:
Submitted to the Court for advisory opinion: B 8, pp. 6-11 *et passim*.
Circumstances of the case: B 8, pp. 16-20, 20-26.

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

JUDGMENT (*Alleged non-compliance with—of Court*): see *Non-compliance*.

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

JUDGMENTS, DECLARATORY:

Power of Court to give—: A 13, pp. 20-21.
Article 59 of Statute does not exclude purely declaratory judgments:
A 7, p. 19.
The possibility of judgments of a purely declaratory character is provided for in Articles 36 and 63 of the Statute: A 7, p. 19.

JUDGMENT No. 3 (Interpretation of—, Treaty of Neuilly): A 4, *passim*.

JUDGMENTS Nos. 7 AND 8 (*Interpretation of—*, Factory of Chorzów):
A 13, *passim*.
See also: E 4, pp. 184-190.

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

JURISDICTION OF THE COURT :

- (a) (In general.) Preliminary question to be decided : A 2, p. 10.
 Nature of the Court's jurisdiction ; it is limited and is always based on the consent of the Respondent and only exists in so far as this consent has been given : A 2, p. 16.
 The Court is always competent once the Parties have accepted its jurisdiction : A 9, p. 32.—A 15, p. 22.
Source of jurisdiction. Can the Applicant, during proceedings, modify the source for which, in his contention, the Court derives jurisdiction ? A 9, p. 18.—Criteria : A 9, p. 32.
 A Party who has, by express declarations or acts conclusively establishing the fact, manifested his consent to the submission of a case to the Court, cannot subsequently withdraw his acceptance of the latter's jurisdiction : A 15, pp. 24-26.
 Difference between the position of the Court and that of municipal courts as regards jurisdiction : A 15, p. 23.
 Applicability *ratione temporis* of jurisdiction based on an international agreement : A 2, p. 35.
 Application of Articles 34 and 36 of the Statute in the cases concerning the Serbian loans and the Brazilian loans : A 20, pp. 16-20.—A 21, p. 101.
 Article 38 of the Statute does not exclude the Court from dealing with disputes which do not require the application of international law : A 20, p. 20.
- (b) Jurisdiction of the Court under a special agreement : A 4, p. 6.—A 5, pp. 27, 28.
 Examination of the terms and nature of the Special Agreement from the point of view of the Court's jurisdiction in a case : A 20, pp. 16-20.
 Jurisdiction of the Court upon a unilateral application : A 2, p. 60 (dissenting opinion).
 Other references : A 2, pp. 57, 62, 74, 77. (See also *Judgment* (Non-compliance with—), and *Municipal Courts*.)
- (c) Jurisdiction of the Court in respect of the Parties to a suit : A 17, pp. 25-29.
 The Permanent Court may only hear disputes between nations ; consequences of this principle : A 2, pp. 38, 63, 86 (dissenting opinions).
 Once a State has taken up a case on behalf of one of its subjects before an international tribunal, in the eyes of the latter the State is sole claimant : A 2, p. 12.—A 20, pp. 17-18, 20.
 A State does not substitute itself for its subject ; it asserts its own rights : A 2, p. 13.
 Other references : A 2, pp. 38, 40, 63, 86, 88, 92.
- (d) Provisional conclusions, enabling the Court to decide the question of jurisdiction without entering into the merits of a case : A 2, p. 16.—A 6, pp. 12, 14-15, 29-30.—B 4, p. 26.
 See also *Jurisdiction and Merits*.

JURISDICTION OF THE COURT *under the Geneva Convention of May 15th, 1922*: A 6, *passim*.—A 7, pp. 34-35.—A 15, pp. 24-28.—A 17, pp. 26-28, 38-39.—Article 23: A 9, p. 18 *et passim*.—Article 72: A 15, p. 19.

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

The interpretation of other international agreements (other than the Geneva Convention) is within the competence of the Court if such interpretation must be regarded as incidental to a decision on a point in regard to which it has jurisdiction: A 6, p. 17.—A 7, p. 25.

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

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

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

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

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

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

The jurisdiction possessed by the Court in regard to the interpretation and application of the Mandate (for Palestine) only extends to the provisions of the Protocol of Lausanne in relation to Article 11 of the Mandate: A 11, p. 16.

See also *Judgment (Non-compliance with—), Control (Public—), and Negotiations*.

JURISDICTION OF THE COURT *under Article 423 of the Treaty of Versailles*: B 13, pp. 23-24.

JURISDICTION OF THE COURT (*Preliminary objections to—*): see *Objections*.

JURISDICTION AND MERITS:

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

JURISDICTION AND MERITS (*cont.*):

The Court in its decision on an objection to the jurisdiction cannot in any way prejudge its future decision on the merits:

A 6, p. 15.—A 7, p. 16.

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

Points belonging to the merits reserved in the judgment on the question of jurisdiction: A 9, pp. 32-33.

JURISDICTION, EXCLUSIVELY DOMESTIC,

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

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

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

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

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

JURISDICTION *of the European Commission of the Danube between Galatz and Braila*: see *Danube*.

JURISDICTION *of the International Commission of the Oder*: see *Oder*.

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

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

JURISDICTION (*Criminal—of States*):

The nationality of the victim as criterion of this jurisdiction: A 10, pp. 22-23.

The territory in which the victim is situated: see *Jurisdiction* (Territorial—of States).

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See also *International Law* (Principles of—), and *Flag* (Jurisdiction of the State whose—is flown).

JURISDICTION (*Territorial—of States*):

under international law: A 10, pp. 18, 19;

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K.

KATOWICE (Kattowitz) (*Civil Court of—*): A 6, p. 10.—A 13, pp. 5, 8, 9, 14, 15, 16, 21.—A 17, pp. 22, 32-34.
 Nature of its jurisdiction: A 6, p. 20.
 Object of the action brought in 1923 by the *Oberschlesische Stickstoffwerke* before this Court: A 9, p. 11.
 Has its judgment of November 12th, 1927, any effect with regard to the proceedings instituted before the Court concerning the Chorzów Factory? A 17, pp. 31-34.

KIEL CANAL :

Free access to—refused to the S.S. *Wimbledon* on March 21st, 1921: A 1, p. 8.
 Effect of Article 380 of the Treaty of Versailles: A 1, pp. 22, 30 (see also: A 1, pp. 38, 46).
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L.

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

LABOUR, INTERNATIONAL, OFFICE :

Interested in advisory opinions: B 1, pp. 7, 11, 15.—B 2, pp. 5, 7, 9, 11, 13, 15, 17, 21, 27.—B 3, pp. 47, 51.—B 13, pp. 7, 8, 9, 14, 16.
 Director of International Labour Office: B 1, pp. 5, 7, 11, 15.—B 2, p. 11.—B 3, pp. 47, 51, 53.—B 13, pp. 6, 7, 9.
 Governing Body of International Labour Office: B 1, pp. 7, 15.—B 2, pp. 15, 21, 23, 39.—B 13, pp. 6, 12.

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

Competence of—:

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

Circumstances of the case: B 2, pp. 13-21.

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

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

LABOUR, INTERNATIONAL, ORGANIZATION (*cont.*):

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

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

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

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

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

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

Definition of the question put to the Court: B 13, pp. 13, 14.

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

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

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

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

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

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

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LATIN UNION (*Convention of the—*): A 20, p. 33.

LAUSANNE (*Convention of—*), of January 30th, 1923, concerning the exchange of Greek and Turkish populations: B 10, pp. 6, 7, 8.—B 16, pp. 8, 16, 18, 25.

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

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

„ 3: „ „ „ 14, 24, 25.

Articles 9 and 10: B 16, p. 17.

Article 11: B 10, pp. 9, 23.—B 16, p. 17.

„ 12: „ „ „ 16, 24.—B 16, pp. 8-9, 17.

„ 18: „ „ „ 20, 21.

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

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

Singular situation created by this Convention and in which the States signatory to the Final Protocol attached to the Agreement of December 1st, 1926, are placed: B 16, pp. 25-26.

LAUSANNE (*Convention of—*), of July 24th, 1923, in regard to conditions of residence and business and jurisdiction :

Article 15 : A 10, pp. 5, 8, 9, 19, 31.

Analysis of this article and investigation of its origins : A 10, pp. 16-18.

LAUSANNE (*Treaty of—*), of July 24th, 1923; ratified August 6th, 1924 : A 2, A 5 (see *Protocol XII*).—A 10, p. 17.—A 11, p. 15.—B 16, pp. 4, 8, 9. (See also *Declaration IX*.)

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

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

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„ 28 : A 10, p. 17.

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

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

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

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

LAW APPLICABLE IN CONNECTION WITH LOANS : A 20, pp. 40-47.—A 21, pp. 120-125.

LAWS (FRENCH—) :

(a) *Civil Code*, Article 1895 : A 20, pp. 44-45.

(b) *Penal Code*, Articles 463 and 475 : A 20, p. 45.

(c) *Currency laws* :

Law of Germinal 17th, Year XI : A 20, pp. 33-34.—A 21, pp. 118, 119.

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LAWS (POLISH—) :

(a) *of July 14th*, 1920 : A 9, pp. 11, 15, 31.—A 13, p. 8.—B 6, pp. 14-15, 24, 26, 35, 36.

Introduced into Polish Upper Silesia by the law of June 16th, 1922 :

Articles 2, 5 : A 6, pp. 5, 12.—A 7, pp. 6-8 *et passim*.

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

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

LAWS (POLISH—) (*cont.*):(a) of July 14th, 1920 (*cont.*):

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

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

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

LAWS (PRUSSIAN—):

—of 1861, concerning the carrying on of an industry by legal persons of foreign nationality (par. 18): A 17, p. 54.

—of 1886: see *Colonization*.

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

LEAGUE, GERMAN—, for the protection of minorities in Poland (*Deutsch-tumsbund*): B 6, pp. 16, 17.—B 7, p. 10.LEGAL CURRENCY (*tender*): see *Laws* (French—).LEGISLATION, MUNICIPAL: see *Interpretation, Obligations (International), Lausanne* (Convention of—), *Establishment* (Conception of—).

Municipal laws in relation to international law: A 10, pp. 12, 13, 15, 23-24.—A 20, p. 41.—A 21, p. 124.

The Court may take them into consideration in order to decide whether in enacting or applying them, a State is acting in accordance with its international obligations: A 7, p. 19.

LETTER BOXES (at Danzig): see *Polish Postal Service at Danzig*.LIQUIDATION (*of property, rights and interests, etc.*): A 6, pp. 5, 16.—A 7, pp. 6, 7, 9.—A 9, pp. 27, 29.

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

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

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

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

Liquidation contrasted with dispossession without compensation: A 9, p. 31.

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

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

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

LOANS: see *Brazilian—*, and *Serbian—*.LOCARNO (*Treaty of October 16th, 1925, initialled at—*): A 9, pp. 8, 18.

As a source of jurisdiction for the Court: A 17, pp. 36-37.

LODER (M.—), Judge of the Court (1921-) and President (1922-1925) : A 1, pp. 11, 14, 15, 34.—A 2, pp. 7, 57.—A 3, pp. 4, 10.—A 4, pp. 4, 8.—A 5, p. 6.—A 6, p. 4.—A 7, p. 4.—A 9, p. 4.—A 10, pp. 4, 33, 34 (dissenting opinion).—A 11, p. 4.—A 13, p. 4.—A 15, p. 4.—A 17, pp. 4, 99.—A 20, p. 5.—A 21, p. 93.—A 23, p. 5.—B 1, pp. 9, 27.—B 2, pp. 9, 43.—B 3, pp. 49, 51.—B 4, pp. 7, 32.—B 5, pp. 7, 29.—B 6, pp. 6, 43.—B 7, pp. 6, 21.—B 8, pp. 6, 57.—B 9, pp. 6, 23.—B 10, p. 6.—B 11, p. 6.—B 12, p. 6.—B 13, p. 6.—B 14, p. 6.—B 15, p. 4.—B 16, p. 4.

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

LONDON (*Treaty of—*), of March 10th, 1883 : B 14, pp. 11, 17, 26-27, 36, 44, 57.
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“LOTUS” CASE : A 10, *passim*.
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“LUCRUM CESSANS” : see *Indemnities*.

M.

MANDATE for *Palestine* :

Granted in principle to Great Britain, May 20th, 1920 : A 5, p. 15.

Text drawn up July 24th, 1922, entered into force September 29th, 1923 : A 5, p. 17.

Article 4 : A 2, p. 21.

„ 11 : A 2, pp. 11, 17, 18, 19, 21, 22, 23, 26, 28, 29, 30, 31, 32, 34, 39, 42, 44, 45, 46, 48, 49, 50, 51, 52, 53, 60, 68, 69, 70, 71, 73, 78, 79, 81, 83, 85, 86, 88.—A 5, pp. 26-28, 45.—A 11, pp. 5, 15, and 11-22 *passim*.

Article 26 : A 2, pp. 11, 12, 15, 27, 29, 31, 35, 38, 39, 42, 51, 53, 56, 60, 62, 67, 74, 78, 80, 82, 83, 85, 87, 88, 91, 93.—A 11, pp. 5, 14, 15, 18, 20.

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MANDATE for *East Africa* :

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

MANDATORY (*International obligations accepted by the—*): A 2, A 5.—
A 11, pp. 11, 12, 13, 15-16, 23.

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

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

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

Their extent: A 2, p. 24.

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

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

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

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

MANSLAUGHTER (Localization of offence): A 10, p. 24.

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

MAVROMMATIS (*Case of the—Concessions at Jerusalem*, readaptation):
A 11, *passim*.

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

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

His Jaffa Concessions: A 2, p. 28.

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

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

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A 2, pp. 7, 20, 55, 66.

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tine authorities, as also with *M. Rutenberg*: A 5, pp. 15-26.

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MEANING AND SCOPE OF A JUDGMENT, according to Articles 59 and 60
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MINORITIES (*Rights of—*) in *Upper Silesia* (Minority schools) :

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MINORITIES (*Treaty of—*), signed at Versailles, June 28th, 1919, between the Allied and Associated Powers and Poland; came into force January 10th, 1920 : A 15, pp. 10, 32-33, 34.

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

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„ 2 : ,, 7, ,, 15.

„ 3 : ,, ,, ,, 18.

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„ 3-6 : ,, 7, pp. 12-16.

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„ 7 : ,, 6, pp. 23, 24, 25.

„ 8 : ,, ,, ,, ,, ,, ,,

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- SECRETARY-GENERAL OF THE LEAGUE OF NATIONS : B 1, pp. 5, 7, 9, 11.—B 2, pp. 5, 7, 9, 11.—B 3, pp. 47, 49, 51.—B 4, pp. 6, 9.—B 5, pp. 6, 8, 9, 12, 23, 24, 25.—B 6, pp. 7, 8, 9, 17.—B 7, pp. 7, 8, 9, 10, 11.—B 8, pp. 11, 18, 19.—B 9, pp. 7, 8.—B 10, pp. 7, 8, 9, 13.—B 11, pp. 9, 10.—B 12, pp. 7, 9, 11, 15.—B 13, pp. 6, 7, 8.—B 14, pp. 6, 7, 8, 11, 14, 15, 21.—B 15, pp. 5, 6, 7.—B 16, pp. 4, 5, 6, 7, 8, 10, 12, 16.
- SERB-CROAT-SLOVENE STATE, directly interested in the question of the Monastery of Saint-Naoum : B 9, pp. 6, 9, 11, 14-17, 18, 21, 22.
 Party in the case concerning the payment of various Serbian loans issued in France : A 20, p. 5 *et passim*.
 Submissions of—in the case : A 20, p. 9.

SERBIAN LOANS :

Case concerning the payment of various—issued in France : A 20, *passim*.

Special Agreement concluded at Paris on April 19th, 1928, ratified by the two Parties on May 16th, 1928.

Serbian loans issued in France, forming the subject of a case brought before the Court : A 20, *passim*.

Terms of the bonds and coupons of these loans :

4 % loan of 1895 : A 20, pp. 21-22.

5 % „ „ 1902 : „ „ „ „ 22-24.

4½ % „ „ 1906 : „ „ „ „ 24-26.

4½ % „ „ 1909 : „ „ „ „ 26-27.

5 % „ „ 1913 : „ „ „ „ 27-29.

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SET-OFF AT INTERNATIONAL LAW : A 17, pp. 60-63.

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SERVITUDES OF INTERNATIONAL LAW : A 1, p. 24.

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SÈVRES (*Treaty of—*), of August 10th, 1920 : A 11, p. 15.—B 8, pp. 20, 21, 33, 35.—B 12, p. 10.

Articles 311 and 312 of this Treaty (concessions granted by the Ottoman authorities) : A 2, pp. 24, 25, 26, 36, 46, 47, 64, 79, 85.—

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Cf. also *Obligations, international*.

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- Article 23 : A 7, p. 8.—B 8, p. 19.—B 10, p. 8.—B 11, p. 9.—
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- „ 29 : „ 3, p. 4.
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- „ 34 : A 2, pp. 10, 16, 55.—A 11, p. 6.—A 20, pp. 17, 18.
- „ 35 : „ 6, p. 11.
- „ 36 : „ 2, pp. 10, 16, 55.—A 6, pp. 11, 29, 30, 32.—A 7,
pp. 18, 19, 86.—A 9, pp. 22, 37.—A 15, p. 23.—A 17,
p. 37.—A 20, pp. 16, 19.
- „ 37 : „ 1, pp. 6, 7.
- „ 38 : „ 11, p. 6.—A 20, pp. 19, 20.
- „ 39 : „ 10, „ 32.—A 21, p. 126.
- „ 40 : „ 1, p. 6.—A 2, pp. 7, 9, 11.—A 6, pp. 5, 6, 11.—
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A 15, pp. 5, 6.—A 17, p. 5.—A 20, p. 6.—A 21,
p. 94.—A 23, pp. 6, 7.
- „ 41 : „ 17, p. 24.
- „ 43 : „ 3, p. 5.—A 5, p. 9.—A 7, p. 8.—A 10, p. 5.—A 17,
p. 6.—A 20, p. 8.—A 21, p. 95.—A 23, p. 7.
- „ 48 : „ 7, p. 95.—A 10, p. 5.—A 17, pp. 7, 100.—A 20, p. 7.—
A 21, p. 95.—A 23, pp. 38, 41, 44.
- „ 50 : „ 17, pp. 51, 100.
- „ 57 : „ 2, p. 37.—A 6, p. 28.—A 7, p. 83.—A 9, p. 34.—
A 10, p. 33.—A 11, p. 24.—A 13, p. 22.—A 15, p. 47.—
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- „ 59 : „ 7, pp. 16, 19.—A 13, pp. 20, 21.
- „ 60 : „ 4, „ 4, 5, 7.—A 13, pp. 5, 6, 10, 11, 21.—A 17,
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- „ 62 : „ 1, p. 9.
- „ 63 : „ „ „ 12.—A 7, p. 19.—A 23, p. 7.
- „ 64 : „ 17, p. 103.

SUBMISSIONS filed in advisory proceedings by States directly interested : B 16, pp. 13-14.

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A Party invited by the Court, in a case submitted by Special Agreement, to file, before the beginning of the oral proceedings, any alternative submissions in regard to a question of the Special Agreement with which it had not dealt in the documents filed by it in the written proceedings : A 23, pp. 11-13, 44-46.

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- SUBROGATION : A 2.—See *Mandatory*.
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- SUBSIDENCE of the surface, due to mining operations :
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- SUCCESSION, STATES—, and *contracts of private law* : B 6, pp. 35-37.
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- SUEZ CANAL :
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T.

- TERRITORIAL JURISDICTION OF STATES : see *Jurisdiction* (Territorial—of States).
- TOLERATION, *in international law*, relation to a title of international law :
 B 14, pp. 36-37.
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- TRANSIT (*Advisory and Technical Committee of Communications and—*) :
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TURKEY (*Government of—*) :

Directly concerned in the question of the exchange of Greek and Turkish populations : B 10, p. 8 *et passim*.

Directly concerned in the question concerning the interpretation of Article 3, paragraph 2, of the Treaty of Lausanne : B 12, *passim*.

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U.

UNANIMITY :

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UNION OF THE SOCIALIST FEDERATIVE REPUBLICS OF THE RUSSIAN SOVIETS : see *Soviet Government*.

UPPER SILESIA (*Polish*) : see *Commission (Mixed)*,—*Minority Schools*,—*German Interests*,—*Minorities (Rights of—)*.

V.

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Importance of date of entry into force :

(a) from point of view of cession of territories : B 6, p. 28.

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(b) from point of view of nationality : B 7, p. 19.

Obligations imposed by this Treaty : see *Alienation*.

Preparatory work preceding adoption of text of Treaty : B 14, p. 32.

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Reference to various articles :

Article 51 : B 6, p. 38.

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 „ 87: B 6, „ 13.—B 8, p. 20.
 „ 88: A 7, „ 30.—A 15, p. 8.
 „ 91: B 6, pp. 6, 37.
 „ 92: A 6, „ 5, 12.—A 7, pp. 6, 9, 12, 15, 29, 86, 88.—
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 „ 93: B 6, „ 19, 25.—B 7, pp. 14, 24.
 Articles 100-108: B 11, p. 10.
 Article 103: B 11, pp. 23-24, 26.—B 15, p. 9.
 „ 104: „ „ „ 7, 23, 33.—B 15, p. 8.
 „ 116: A 7, p. 28.
 „ 232: „ 3, „ 9.—A 7, p. 28.
 „ 248: „ 7, „ 30.—A 17, pp. 43, 44, 45.
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 37, 39, 41, 88.—A 17, pp. 22, 35, 36, 38, 39, 40,
 41, 42, 43, 44, 45, 46.—B 6, pp. 6, 7, 13-14, 25,
 26, 27, 35.
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 „ 343: „ „ „ 13, 14, 19.
 „ 344: „ „ „ 13, 14, 24.
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 Article 347: B 14, p. 56.
 „ 353: A 23, „ 24.
 „ 376: B 14, „ 8.—A 23, pp. 14-15.
 „ 379: A 23, „ 19.
 Section VI, Articles 380-386: A 1, pp. 6, 7, 9, 13, 18, 19, 20, 21, 22,
 25, 29, 33, 35, 37, 40.

VERSAILLES (*Treaty of*—) (cont.):

Part XIII: B 2, pp. 21, 23, 25, 37, 41.—B 3, pp. 53-59. (See also *Industry*, and *Interpretation*.)—B 13, pp. 18-20, 22-24.

Preamble to Part XIII: B 13, pp. 14-15.

Article 387: B 2, p. 27.—B 13, pp. 14, 15.

„ 388: „ „ „ 27.—„ „ „ 14, 16.

„ 389: „ 1, *passim*.—B 2, „ 23, 27.—B 13, p. 18.

See also *Organizations, international*, “*representative*”.

Paragraph 1: B 1, pp. 19, 23, 25.

„ 3: „ „ „ 5, 7, 11, 15, 17, 19, 21, 25, 27.

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„ „ „ 7: „ „ „ 17.

Article 393: B 2, pp. 23-39.—B 13, p. 16.

Articles 394-398: B 13, p. 16.

Article 396: B 2, p. 27.

„ 400: „ „ „ 15.

„ 402: „ „ „ pp. 15-17.

„ 405: „ 13, p. 17.

„ 408: „ „ „ 16.

Articles 409-420: B 13, p. 17.

Article 423: B 13, pp. 17-24.

„ 426 (Annex): B 13, p. 19.

„ 427: B 2, pp. 21, 29, 31, 33, 39.—B 13, pp. 14, 15, 18.

„ 440: „ „ „ p. 35.

VESTED RIGHTS, Respect for—held by private persons (Geneva Convention, Treaty of Versailles): A 7, pp. 21, 22, 24, 30, 31.—A 9, pp. 27, 28.

VIENNA (*Congress of*—), Final Act of— (June 9th, 1815): A 23, pp. 27, 29.—B 14, pp. 38, 57.

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See also *Instruments, International*, (e).

VOTING (Method of—) of the Council of the League of Nations: see *Unanimity*.

W.

WANG CHUNG-HUI (M.—), Deputy-Judge (1921-): A 1, pp. 11, 15.—A 6, p. 4.—A 15, p. 4.—A 23, p. 5.—B 5, p. 7.—B 6, p. 6.—B 7, p. 6.—B 8, p. 6.—B 11, p. 6.—B 15, p. 4.

WARSAW (*Agreement of*—), of October 24th, 1921, between Poland and the Free City of Danzig: B 11, p. 11.

Section III of this Agreement: B 11, pp. 7, 11, 12.

Article 149: B 11, p. 34.

„ 150: „ „ „ pp. 14, 27, 35, 37.

„ 151: „ „ „ p. 35.

„ 168: „ „ „ pp. 11, 15, 16, 18, 32, 35-37, 38, 39, 40.

„ 240: „ „ „ „ 7, 11, 12, 25, 27, 32, 40.

WARTHE (WARTA) and NETZE (NETEĆ), *tributaries of the Oder* : A 23, *passim*, and especially pp. 17, 25, 29, 31.

WATERWAYS : see *Kiel*,—*Panama*,—*Suez*.

WATERWAYS (Navigable—of international concern) :

Convention and Statute of April 20th, 1921, concerning the régime of such waterways : A 23, pp. 9, 10, 12, 18, 19-22.—B 14, p. 67.

Articles 4, 5 and 6 of the Convention : A 23, pp. 21-22.

See also *Ratification*.

WEEKLY REST : see *Conventions* (Draft—).

WEISS (M.—), Judge of the Court (1921-1928) and Vice-President of the Court (1921-1928 ; deceased 1928) : A 1, pp. 11, 15.—A 2, p. 6.—A 3, p. 4.—A 4, p. 4.—A 5, p. 6.—A 6, p. 4.—A 7, p. 83.—A 10, pp. 4, 33, 40 (dissenting opinion).—A 15, p. 4.—B 1, p. 9.—B 2, pp. 9, 43 (dissent).—B 3, p. 49.—B 4, p. 7.—B 5, pp. 7, 29 (dissent).—B 6, p. 6.—B 7, p. 6.—B 8, p. 6.—B 9, p. 6.—B 10, p. 6.—B 11, p. 6.—B 12, p. 6.—B 13, p. 6.—B 15, p. 4.

Reference to his work : *Private International Law* (Paris, 1913) : A 2, p. 59.

WHITE LEAD (*Convention* prohibiting the use of—in painting) : see *Conventions* (Draft—).

“WIMBLEDON” (*Case of the S.S.—*) : A 1, *passim*.

WITNESSES, Hearing of expert witnesses ordered by Court : A 7, pp. 13, 96-97.

Y.

YOVANOVITCH (M.—), Deputy-Judge (1921-) : A 5, p. 6.—A 7, p. 4.—A 9, p. 4.—A 15, p. 4.—B 8, p. 6.—B 10, p. 6.—B 11, p. 6.—B 12, p. 6.—B 15, p. 4.

Z.

ZIONIST ORGANIZATION, mentioned in Article 4 of Mandate for Palestine : A 2, p. 21.

Is really a public body, closely connected with the Palestine Administration, and its task is to co-operate with the latter, under its control, in the development of the country : A 2, p. 21.

See also : A 2, pp. 51, 52.

CHAPTER VI.

THIRD ADDENDUM TO DIGEST
OF DECISIONS TAKEN BY THE COURT
IN APPLICATION OF
THE STATUTE AND RULES.

(See Third Annual Report, p. 173,
Fourth Annual Report, p. 269,
and Fifth Annual Report, p. 243.)

This Chapter consists in a third addendum to the *Digest of Decisions of the Court*, contained in Chapter VI of the Third Annual Report (Volume No. 3 of Series E. of the Court's Publications), the same chapter in the Fourth and Fifth Annual Reports (Volumes Nos. 4 and 5 of the same Series) constituting the first and second addenda. The third 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 two addenda) where it has been found desirable to amend the statements contained in those volumes.

Furthermore, a complete analytical index embodying the original Digest of the Third Annual Report and the addenda, and consequently superseding the index in the Fifth Annual Report, is appended to the present Chapter.

SECTION I.**STATUTE.****ARTICLE 2.**

Qualification of judges. In connection with this article, it may be useful to refer to the biographical notes concerning the judges contained in the volumes of the E. Series as follows: No. 1, pp. 14-27; No. 2, pp. 18-19; No. 4, pp. 34-36; No. 5, pp. 25-26, and present volume, pp. 20-21.

ARTICLES 4-6.

(See Fifth Annual Report, p. 244.)

Nomination of candidates for election. For procedure followed in 1929, see League of Nations Document C. 330. M. 116. 1929, V.

ARTICLE 7.

(See Fifth Annual Report, p. 245.)

Preparation of list of candidates. For procedure in 1929, see League of Nations Documents C. 330. M. 116. 1929, V., C. 330 (a). M. 116. 1929, V., and A. 59. 1929, V.

ARTICLES 8-11.

(See Fifth Annual Report, p. 245.)

Election. For elections in 1929, see Records of Tenth Assembly (1929), Plenary Meetings, pages 126 and 450.

ARTICLES 16 AND 17.

(See Third Annual Report, p. 177,
Fourth Annual Report, p. 270,
and Fifth Annual Report, p. 246.)

In connection with the case of the free zones of Upper Savoy and the District of Gex, and referring to the opinion expressed by the Court on March 30th, 1928 (see Series E., No. 4, p. 270), M. Huber, a member of the Court of the nationality of one of the Parties, asked the Court, on July 8th, 1929 (Seventeenth Session), to record a formal decision on the question whether Article 17 of the Statute prevented him from sitting in this case. The judge in question having withdrawn, the Court decided that there was no reason for re-opening the discussion which had taken place on March 30th, 1928, unless the Parties raised the question.

ARTICLE 18.

(See Third Annual Report, p. 178.)

In 1929, the question came up for the first time of the possible practical application of this article. It arose as a result of the seemingly unwarranted failure of a deputy-member to respond to a summons to attend a session at which was to be heard a suit to which the government of his country was a Party. Reasons of health having been alleged at a stage of the conversations, and eventually substantiated by the production of a medical certificate, the Court, relying exclusively on these reasons, decided to limit itself to instructing the President to address to the member concerned a communication, the terms of which were fixed by the Court itself, its object being "to prevent the creation of a precedent full of danger to the Court's prestige". (See also under Article 31.) The communication in question contains, *inter alia*, the following :

"L'apparence qui se dégagait de cette situation était l'existence d'une volonté contraire à votre présence sur le siège, lors de l'examen de l'affaire..., volonté dont la conséquence ne pouvait être que de modifier pour cette affaire la composition de la Cour telle qu'elle est prescrite par le Statut. C'est cette apparence qui risquait de créer 'un précédent plein de dangers pour l'autorité de la Cour'. Car cette autorité ne résisterait guère à l'épreuve à laquelle elle serait soumise si la composition de la Cour pouvait, dans une occasion déterminée, se trouver influencée du fait de l'acceptation par certains juges de travaux les empêchant de siéger et de la nécessité qui s'ensuivrait de les remplacer par des juges désignés pour l'occasion¹."

ARTICLE 21, paragraph 2.

(See Third Annual Report, p. 180,
and Fifth Annual Report pp. 246-247.)

RULES, ARTICLE 17.

On August 16th, 1929, the Registrar, whose period of appointment expired at the end of the year, was re-elected Registrar.

¹ [*Translation.*] "The facts above mentioned seemed to point to an intention not to be present on the Bench for the hearing of the case..., an intention the necessary consequence of which would be to modify for this case the composition of the Court as laid down by the Statute. It was this seeming intention which was likely to create a precedent full of danger for the Court's authority. For this authority would hardly survive the severe test to which it would be put if the composition of the Court could in a particular case be affected in consequence of the acceptance by certain judges of work preventing them from sitting and the consequent necessity of replacing them by judges appointed for the particular case."

unanimously for a further period of seven years. (In 1928, the Court had agreed that the principle of stability was applicable in the case of the Court's staff: see Series E., No. 5, p. 247.)

RULES, ARTICLES 24 AND 42.

Publication of contents of written proceedings in a case pending before the Court.

In a case which came before the Court at its Sixteenth (Extraordinary) Session, extracts from the respective Memorials filed by the two Parties appeared in the Press before the case had come before the Court for judgment. The attention of the respective Agents was accordingly called by the Registrar to the terms of Articles 24 and 42 of the Rules of Court, and it was pointed out that the publication by a Party, on its own initiative, of documents of procedure submitted by it was scarcely in accordance with the spirit of the Rules; that at all events a previous agreement between the Parties, of which the Court should be informed, would appear to be required, and that even in that case there might undoubtedly be serious objections to a public discussion of documents presented by governments in a suit pending before the Court.

ARTICLE 23, paragraph 2.

(See Third Annual Report, pp. 183-185.)

Opening of ordinary session.

On June 17th, 1929, a meeting was held which was to have been the first of the Seventeenth (Ordinary) Session. In view however of the fact that one judge was indisposed and that two others had not yet arrived, there was no quorum.

The President accordingly, with the approval of the members of the Court present, issued a communiqué merely announcing the opening of the session.

On July 9th, 1929, at the first public sitting of the Seventeenth (Ordinary) Session, the President explained that though, in consequence of the fact that the Sixteenth (Extraordinary) Session was not yet closed, it had not been possible to begin the hearing of the cases to be taken at the Seventeenth (Ordinary) Session until that day, the ordinary session had in fact opened on June 17th.

(See under "Advisory Procedure", p. 301, as regards reply of Court to a request for postponement of proceedings in regard to a question for advisory opinion to a subsequent session.)

ARTICLE 25.

(See under Article 23, paragraph 2, as regards quorum at opening of session, and under Article 54 as regards possibility of proceeding with the preliminary discussion of a case notwithstanding the absence of a judge.)

ARTICLE 31.

(See Third Annual Report, pp. 192-193,
Fourth Annual Report, pp. 274-275,
and Fifth Annual Report, p. 252.)

The Court was faced with a case of the seemingly unwarranted failure of a deputy-member to respond to a summons to attend a session at which was to be heard a suit to which the government of his country was a Party. Reasons of health having, at one stage, been alleged, the Court, relying exclusively on these reasons, adopted the following resolution :

“The Court, recording the absence from the Bench of and having regard to Article 31, paragraph 2, of the Statute, decides to allow the Government of to appoint a judge *ad hoc* to sit in the case between concerning....”

(See also Series C., No. 16—III, Part IV, Nos. 76, 77, 79, 81, 82, 84, 85-88.)

In this connection the Court adopted the text of a communication expressing its views on the whole matter ; it contained the following passages :

“Aux termes de l'article 31 du Statut, 'si la Cour compte sur le siège un juge de la nationalité d'une seule des parties, l'autre partie peut désigner pour siéger un juge suppléant s'il s'en trouve un de sa nationalité'. Lorsque cette disposition est applicable, il existe pour le juge suppléant intéressé un double devoir d'assister à une session aux fins de laquelle il a été fait appel à ses services : son devoir envers la Cour en vertu de l'acceptation par lui de son élection comme juge suppléant, et le devoir qui résulte pour lui de la disposition précitée de l'article 31 du Statut. Cette disposition, en prévoyant l'obligation pour un État déterminé de désigner, à titre de juge *ad hoc*, le juge suppléant de sa nationalité, constitue une expression du principe suivant lequel la composition de la Cour doit échapper à toute influence des gouvernements en cause. Dans ces conditions, seuls les cas de force majeure absolue peuvent prévaloir contre le double devoir dont il s'agit. Il n'est notamment pas possible pour un juge suppléant, appelé à siéger à titre de juge *ad hoc*, d'exciper, pour ne pas se rendre à la convocation, d'occupations à lui confiées par son propre gouvernement, puisque, aux termes du Statut, ce gouvernement a l'obligation stricte de le désigner, à l'exclusion de toute autre personne, comme juge national. La situation est évidemment la même lorsqu'un juge suppléant a été convoqué en cette qualité et qu'à son défaut un juge *ad hoc* devrait être désigné¹.”

(See also under Article 18, p. 283.)

¹ [Translation.] “Under Article 31 of the Statute, ‘if the Court includes upon the Bench a judge of the nationality of one of the parties only, the

ARTICLE 32, paragraph 6.

(See Third Annual Report, p. 193.)

On September 10th, 1929, the Court adopted a resolution instructing the President to convey to the Council of the League of Nations a proposal to the effect that the Registrar's salary, for the new period of seven years for which he had been elected, should, starting at the figure already reached, be increased to the same extent and at the same intervals as during his first term of office.

ARTICLE 33.

(See Third Annual Report, p. 195,
Fourth Annual Report, p. 275,
and Fifth Annual Report, p. 253.)

Following the amendment of the Financial Regulations of the League of Nations in 1928, it is now the practice for the Court at its ordinary session to confer upon the President the necessary powers for the approval of the Budget estimates in the following year prior to their submission to the Supervisory Commission, in case the Court should not be in session at the required date. This was done at the Seventeenth Session on August 16th, 1929.

On the same occasion, in accordance with precedent, the Court unanimously appointed the Registrar to represent it before the Tenth Assembly, its Fourth Committee and the Supervisory Commission. In this connection, the Registrar asked for definite instructions on certain points. The effect of these instructions was in general that he was to refuse to intervene directly or indirectly in the question of the revision

other party may select from among the deputy-judges a judge of its nationality, if there be one. When this provision is applicable, the deputy-judge concerned is doubly bound to attend a session for which his services have been called upon: in the first place there is his duty to the Court, resulting from his acceptance of election as deputy-judge, and in the second place the duty devolving upon him under the above quoted clause of Article 31 of the Statute. This clause, inasmuch as it provides that a given State is obliged to appoint, as judge *ad hoc*, the deputy-judge of its nationality, constitutes an expression of the principle that the composition of the Court must be immune from any influence on the part of the governments concerned in a case. This being so, only circumstances absolutely beyond control can absolve a judge from the twofold duty referred to. In particular, it is impossible for a deputy-judge, when called upon to sit as a judge *ad hoc*, to allege, as a reason for not complying with the summons, duties entrusted to him by his own government, since, under the Statute, that government is under a strict obligation to appoint him, to the exclusion of any other person, as national judge. The position is clearly the same when a deputy-judge has been summoned to attend in that capacity, and in the event of his absence a judge *ad hoc* would have to be appointed."

of the Statute or the question of the adherence of the United States to the Court's Statute, though he might answer questions of a technical nature or relating to matters of fact, arising in connection with these points.

ARTICLE 35.

(See Third Annual Report, pp. 197-198,
and Fourth Annual Report, p. 276.)

On August 16th, 1929, the Court decided that no special decision was necessary for the purpose of adding Costa Rica (a former Member of the League of Nations not mentioned in the Annex to the Covenant) to the list of "other States" to which the Court is open, as Costa Rica had, when a Member of the League of Nations, received the Council Resolution concerning the conditions under which "other States" could have recourse to the Court.

In connection with a case submitted by Special Agreement, one of the Parties to which, though a Member of the League at the time when the case was submitted, had ceased to be so during the proceedings, whilst retaining its position as a signatory of the Statute, the question whether a contribution to the expenses of the Court should be demanded was raised.

Question of contribution to expenses of Court by a State ceasing to be a Member of League during proceedings to which it is a Party.

It was held by the Court on July 8th, 1929 (Sixteenth (Extraordinary) Session), that since the State in question had referred the case to the Court at a time when it was still a Member of the League of Nations, though it had ceased to be so during the proceedings, the provisions of Article 35, paragraph 3, should not be applied. It being held that the said State retained the capacity of Member of the League of Nations for the purpose of the application of that article until the settlement of the dispute.

ARTICLES 36-38.

(See Third Annual Report, pp. 199-200,
and Fifth Annual Report, pp. 253-254.)

RULES, ARTICLE 38.

In Judgment No. 12 (April 26th, 1928) (Minority Schools in Polish Upper Silesia), the Court gave a ruling in regard to the interpretation of Article 38 of the Rules. The Court said that the object of this article was to lay down when an objection to the jurisdiction might validly be filed, but only in cases where the objection was submitted as a preliminary objection, i.e. where a decision on the objection was sought before any proceedings on the merits. Only in that case was

Interpretation of Article 38 of Rules.

it laid down by the article what the procedure should be and that that procedure should be different from that on the merits. It did not however follow from this that an objection to the jurisdiction, not filed as a preliminary objection in the sense indicated, could be taken at any stage of the proceedings.

RULES, ARTICLE 61.

Termination
of proceedings
by agreement
between the
Parties.

In the case concerning the Chorzów factory (indemnities), following upon the Court's judgment of September 13th, 1928, and the order of the same date concerning the holding of an expert enquiry, the Polish *Fiscus* and the German Companies concerned concluded an agreement regarding the settlement of the dispute, which agreement was duly ratified by an exchange of notes between the States Parties to the suit. The President thereupon (December 15th, 1928) made an order terminating the expert enquiry, but left it to the Court when it met officially to record the conclusion of the agreement and to terminate the proceedings.

On May 25th, 1929, the Court made an order placing on record the agreement regarding the settlement of the dispute concluded between the two Governments and declaring the proceedings to be terminated. (See Series A., Nos. 18/19.)

The Parties in this case expressed a desire that the agreement concluded between the Polish *Fiscus* and the Companies concerned should not be published by the Court, and the Court complied with this desire, the Order of Court stating that the notes exchanged between the two Governments—on the basis of the agreement above mentioned—constituted the "agreement regarding the settlement of the dispute" contemplated by Article 61, paragraph 1, of the Rules.

Both this order and the one terminating proceedings in the case between Belgium and China were read at a public sitting of the Court, the representatives of the Parties having been duly notified in accordance with Article 58 of the Statute, which was applied by analogy.

ARTICLE 39.

(See Third Annual Report, pp. 200-203,
and Fourth Annual Report, pp. 277-278.)

In accordance with precedent, at the Sixteenth (Extraordinary) Session, the judgment in a case which, under the Special Agreement submitting it, was to be conducted entirely in one of the official languages, was drawn up in that language only, but a translation into the other official language was attached to it without however being officially approved by the Court.

Paragraph 2.

At the Sixteenth (Extraordinary) Session, the previous practice of the Court, namely, to have the translation of a judgment into the official language other than that in which the authoritative text is prepared read out and approved at a meeting of the Court, was departed from, and it was held to be sufficient that a member of the Court whose native language was English should verify the correctness of the translation, the Court merely signifying its approval by formally adopting the translation on the report of the member in question. The same procedure has since been followed.

Translation of judgment into the other official language.

RULES, ARTICLE 37.

At the Fifteenth (Extraordinary) Session, with a view to expediting and facilitating the oral proceedings (to enable a judge who was indisposed and whose presence was necessary to form a quorum to attend without undue strain), it was proposed, and the Agents of the Parties to the case then before the Court agreed, that the whole of the procedure should be conducted in French only—the interpretation into English being dispensed with. It was however clearly stated that the Court's decision in this respect was solely designed to make possible the attendance of the judge in question, and that the prevailing practice would only be departed from when there was grave reason for so doing. (Owing to the continued illness of the judge in question, however, and the consequent closure of the session, the contemplated procedure, moreover, was not applied.)

RULES, ARTICLE 44.

Permission was given in connection with Advisory Opinion No. 7 at the Third Ordinary Session to the German Agent to use the German language in Court, his statements being rendered into one of the official languages by an interpreter supplied by the German Government and into the other by the Court's interpreter. The authoritative version was that supplied by the German Government's interpreter.

ARTICLE 40.

(See Third Annual Report, pp. 202-203.)

RULES, ARTICLE 40.

In the case concerning certain German interests in Polish Upper Silesia (merits) (Judgment No. 7), the Agent for the Applicant, in view of certain information furnished by the Agent for the Respondent, withdrew at the hearings certain

Partial withdrawal of Application.

of the claims made in the Application. The Court duly recorded this withdrawal (July 18th, 1925, and February 5th, 1926) in respect of two claims. The partial withdrawal of a third claim was recorded in the Court's judgment.

(See under Article 48 [order in case of the free zones] as regards question of conformity of terms of Special Agreements with Court's Statute.)

ARTICLE 41.

(See Third Annual Report, p. 204,
and Fourth Annual Report, p. 278.)

On May 21st, 1929, the President, in connection with a case in which an order for interim measures of protection had been made, stated that if in such cases an official copy of all documents was sent to the Secretary-General of the League of Nations, this was in view of the terms of Article 41 of the Statute, according to which the Council must be notified.

ARTICLE 43, paragraph 2.

(See Third Annual Report, p. 205,
Fourth Annual Report, pp. 279-281,
and Fifth Annual Report, p. 256.)

RULES, ARTICLES 33, 40.

Correction of documents of written proceedings after filing and expiration of time-limit.

At the Twelfth Session, in the case of the Mavrommatis Jerusalem Concessions, one of the Parties desired to have somewhat extensive amendments made in the text of his Case some time after that document had been filed and transmitted to the other Party. Permission was only granted after the consent of the other Party—which reserved the right to comment on the matter—had been obtained.

In the same case, certain certified documents were filed by the same Party which were not included in the annexes to the Case. Having regard to Article 40 of the Rules, these documents were only accepted by a special decision of the Court under Article 33 of the Rules.

Withdrawal of exhibit attached to Counter-Case.

In the case concerning certain German interests in Polish Upper Silesia (merits), the German Agent having asked for the production of the whole of certain works and documents, extracts from which were included in the Respondent Government's Counter-Case and which were unknown to him, the Registrar approached the Respondent's Agent and other authorities with a view to obtaining them. In the case of one document, the authority approached (the Conference of Ambassadors) having been unable to find therein anything relevant

to the point at issue which it could communicate, the Respondent's Agent withdrew the exhibit in question during the hearing (February 20th, 1926), and the Court duly noted the fact.

RULES, ARTICLES 33-34.

As already indicated in the Fourth Annual Report (pp. 279-280), misunderstanding sometimes arises in regard to Article 34 concerning the submission of Memorials—number of copies, etc.—, especially in the case of questions for advisory opinion, perhaps because the application by analogy of Article 34 of the Rules is not realized. Sometimes a memorial is submitted in one or two copies only at the latest date fixed for its submission. In such cases, though the document has so far always been accepted on condition that the government concerned agrees that the requisite printing shall be done by the Registry and the cost charged to the government, delay in the distribution of copies of the document inevitably results.

Application of Article 34.

The list of cases in which arrangements regarding the printing by the Registry of documents of the written proceedings have been made is as follows :

<i>Case or question.</i>	<i>Documents printed by Court.</i>
Polish-Czechoslovak Frontier (Jaworzina).	Czechoslovak Government's Memorandum.
Mavrommatis Jerusalem Concessions.	Greek Government's Reply. British ,, Rejoinder.
Exchange of Greek and Turkish Populations.	Greek Government's Memorial.
Interpretation of Treaty of Neuilly.	Bulgarian Government's Case. " " Reply. Greek " " .
Polish Postal Service at Danzig.	Danzig Government's Memorial. Polish Government's Memorial.
German interests in Polish Upper Silesia (jurisdiction).	Polish Government's Preliminary Objection.
Competence of International Labour Office to regulate work of employer.	International Labour Office's Memorial.
Denunciation by China of Sino-Belgian Treaty.	Belgian Government's Case.
Mavrommatis Concessions (Re-adaptation) (jurisdiction).	Greek Government's Case. " " Reply.
Jurisdiction of European Commission of Danube.	Italian Government's "Notes on the Roumanian Memorial". French Government's Memorial.

Case or question.

Interpretation of Judgments Nos. 7 and 8.
 Jurisdiction of Danzig Courts (claims of railway officials in Polish service).
 Minority Schools in Upper Silesia.
 Free Zones of Upper Savoy and District of Gex.
 Franco-Brazilian case concerning payment of Brazilian Federal loans.
 Interpretation of Greco-Bulgarian Convention of 1919 concerning reciprocal emigration.
 Question concerning the Free City of Danzig and the International Labour Organization.
 Free Zones of Upper Savoy and District of Gex (second stage).

Documents printed by Court.

Roumanian Government's Memorial and Counter-Memorial.
 Polish Government's "Observations".
 Danzig Government's Memorial.
 Polish Government's Memorial.
 Polish Government's Counter-Memorial.
 Swiss Case and Annexes.
 Swiss Counter-Case and Annexes.
 Swiss Reply.
 Brazilian Case.
 Bulgarian Memorial.
 Greek Memorial.
 International Labour Office's Memorial. Free City of Danzig Government's Memorial.
 Swiss Government's Documents, Proposal and Observations (with Annexes).

ARTICLE 43, paragraphs 3 and 4.

(See Third Annual Report, pp. 205-207,
 Fourth Annual Report, pp. 281-285,
 and Fifth Annual Report, pp. 256-257.)

Communica-
 tion to Court
 of copies of
 documents
 cited in oral
 proceedings
 and not al-
 ready commu-
 nicated.

RULES, ARTICLES 42, 47.

Whenever the Agent or Counsel for one Party in the course of the oral proceedings refers to or quotes from documents which have not already been communicated to the Court, it is the Court's practice to ask for certified true copies of such documents, the text of which is communicated by the Registrar to the Agent or Counsel for the other Party in order that he may comment upon them. The President of the Court stated this practice at a public sitting on May 16th, 1929, in connection with the reading of certain documents by Counsel for one of the Parties to the case then being heard. Again, on May 23rd, the President had occasion to observe that documents produced by one Party or destined to be communicated to the other Party must be handed to the Registrar, who would undertake this communication. He also, on the same occasion, reminded the Agent for one of the Parties of the

requirement to hand in documents cited or referred to in the speech of Counsel for that Party.

ARTICLE 43, paragraph 5.

(See Third Annual Report, pp. 207-208,
and Fourth Annual Report, p. 285.)

RULES, ARTICLE 46.

In the case of the jurisdiction of the International Commission of the Oder, in which there were six Parties in the same interest, the President on August 20th, 1929, observing that it would not be reasonable to call upon the Parties to speak in alphabetical order as in that case some of the representatives of the Parties acting in the same interest would be able to speak both before and after the representatives of Poland (the opposing Party), stated that as four of the six States in the same interest preceded Poland in alphabetical order, he would call on the representatives of the Six Governments to speak first.

RULES, ARTICLE 54.

In a case heard at the Sixteenth (Extraordinary) Session, the representatives of the Parties were, in accordance with custom, informed of their right, under Article 54 of the Rules, to correct or revise the record of their speeches. They duly availed themselves of this right; but, in his oral rejoinder, Counsel for one Party stated that, if the other side had no objection, he intended to delete from the record certain expressions to which the other side had taken exception. The requisite agreement between the two Agents not having been reached in sufficient time before the setting up of the type for the provisional volume for the Court's use, comprising the oral proceedings, it was agreed between the Agents and the Registrar that the deletions might be effected upon that volume prior to the publication of the verbatim records in Series C. of the Court's Publications. The negotiations between the two Agents in regard to this matter were only concluded after the end of the Sixteenth Session and during the Seventeenth Session, having been complicated by the desire of one Party also to make further modifications of form in the record of his statements.

The text thus corrected was held at the disposal of members of the Court for a period of four days. At the expiration of this time, in the absence of objections by any member of the Court, the Registrar regarded himself as authorized to cause the amended text to be printed.

In the same case, and arising out of the circumstance that corrections were made after the setting up of the type, which

implied author's corrections, the additional expenses involved by these corrections were charged to the Party responsible for them. It was pointed out that the rights conferred upon representatives of Parties by Article 54 of the Rules were already exhausted when the Court had afforded them the opportunity of correcting the typewritten text, prior to the setting up of the type for the printing of the provisional volume.

A similar question arose in another case at the Seventeenth Session, and the government concerned agreed to pay the additional cost of corrections made by its Agent upon the provisionally printed volume.

ARTICLE 44.

(See under Section II, "Advisory Procedure", as regards communication with Free City of Danzig in the case of a question for advisory opinion.)

ARTICLE 46.

(See Third Annual Report, p. 209,
and Fourth Annual Report, p. 286.)

Publications. On January 20th, 1923, the Court decided upon the publication by the Registry of a "Collection of Texts governing the jurisdiction of the Court" (Series D., No. 3). Since then the two later editions of this collection have been published (Series D., No. 4, 1924, and Series D., No. 5, 1926).

At the same date (January 20th, 1923), the Court decided that the Registry should prepare a Bulletin for the Court's use containing information of interest to the Court. This was to be a confidential report and circulated to judges only; it was not to be printed. It is issued normally twice monthly, though at times, and especially during sessions of the Court, only one issue per month is made.

As regards the publication, before the hearing of a case, of extracts from documents of the written proceedings, see under Article 21, p. 284.

ARTICLE 48.

(See Third Annual Report, pp. 210-211,
Fourth Annual Report, pp. 287-289,
and Fifth Annual Report, pp. 257-258.)

**Amendment
of pleadings.
Question until
what moment
of time this
should be
allowed.**

In connection with a case taken at the Seventeenth (Ordinary) Session, the question was raised under the terms of Article 48 of the Statute whether, having regard to the decision taken at the Fourteenth Session in this respect (see Fifth Annual Report, pp. 257-258), the Court should fix a time for the presentation of final submissions by the Parties in this

case. The question was brought up in this case first by reason of the decision above mentioned, and secondly because there was no provision in regard to the matter in the Special Agreement. It was however agreed that as in the case in question there was no special reason for a decision of the kind, the point might be reserved.

In the case of the free zones of Upper Savoy and the District of Gex (see p. 201) which came up for hearing at the Seventeenth (Ordinary) Session, the Court had to decide whether and, if so, in what form, it could give effect to the desire expressed by the Parties in the Special Agreement and Annexes that the result of the Court's deliberations on a preliminary question of interpretation referred to it should be communicated, unofficially, to their Agents before the rendering of any judgment. This question was decided as follows: It was held that the result of the deliberations on this question might be communicated to the Parties, since the terms of Article 54 of the Statute as regards secrecy referred only to the deliberations themselves, the result reached by the Court being always made public; that this however could not, having regard to the spirit and letter of the Statute (especially Article 54, paragraph 3, and Article 58), be done unofficially, and that the method to be adopted—an order having no "binding" force (Article 59 of the Statute) or "final" effect (Article 60 of the Statute) in deciding the dispute submitted to the Court—would be to embody the result of the Court's deliberations on the question of interpretation in the grounds of the order fixing the time to be accorded under the second paragraph of Article 1 of the Special Agreement. Though it was thus possible essentially to give effect to the will of the Parties, the terms of the order refer to the irregularity of the Special Agreement and the strictly exceptional character of the construction resorted to.

It was likewise decided that, in view of the absence of a definite rule to the contrary binding the Court and the special nature of the order in question, as also the fact that the principle of dissenting opinions had been extended to advisory cases, dissenting opinions should be permitted in regard to this order. (Cf. Statute, Article 57, and Rules, Article 62, paragraph 2.)

Further, it was decided that the number of judges constituting the majority (cf. Rules, Article 62, paragraph 1, sub-paragraph 10) should not be recorded before the operative part of the order (as in judgments), but that, in accordance with the usual practice in the case of judgments, a paragraph indicating the names of members of the Court who were unable, wholly or in part, to agree with the grounds of the order, should be inserted at the end of the order.

Order in case
of the free
zones.

The same order also excluded certain publications submitted as evidence at the oral proceedings (see under Article 52).

Orders in the case of the territorial jurisdiction of the International Commission of the Oder.

See under Article 49 as regards orders made at the Seventeenth (Ordinary) Session calling for (1) the filing by one of the Parties to this case of submissions upon a contingent question formulated in the Special Agreement, and (2) observations and submissions from both Parties to the same case upon a preliminary point relating to the admissibility of certain evidence.

RULES, ARTICLE 33.

In the case of the Chorzów factory (indemnities—merits) at the Fourteenth Session, the Court allowed the representatives of the Parties, at their request, one clear day for the preparation of each of their successive oral arguments.

Theory and practice as regards granting of time for preparation of oral arguments during hearings.

As regards the granting of requests by Agents or Counsel for the time to prepare their oral arguments, replies and rejoinders, the Court has repeatedly expressed itself as of opinion that Agents, etc., should come before it fully prepared to argue the case, and that the reading of prepared written statements is contrary to the principle underlying oral proceedings. Accordingly, when requested to grant time for the preparation of a reply or rejoinder, the Court has very frequently curtailed the amount of time sought and as a general rule is averse to granting more than half a day, or sometimes, in the case of replies to very lengthy speeches, one day. In every case, however, the Court regards such grants of time as a special concession to the Parties and not as a right which they may claim.

RULES, ARTICLE 45.

Request for time by Agent to deal with new documents produced by other side in oral proceedings.

On May 23rd, 1929, at the Sixteenth (Extraordinary) Session, the President having asked the Agent for one Party whether he intended to make an oral rejoinder, Counsel for the latter, when stating his intention to do so, observed that the other side had produced new documents and accordingly asked for a short delay (half a day) to enable him to deal with these new documents. The President granted this request in accordance with the usual practice of the Court in such circumstances.

RULES, ARTICLE 47.

Access to confidential records; necessity of Court's being able to refer to them.

In connection with Advisory Opinion No. 9, at the Fifth Session (1924), the question of access to confidential records and of the Court's being able to refer to them arose in regard to a request by the Court for certain minutes of the Conference of Ambassadors which were confidential. The Registrar stated that documents placed at the Court's disposal for the purpose of

an advisory opinion need not necessarily be published, especially if the authority communicating them did not desire it, though of course the Court would have to be able, if necessary, to refer to them, in its opinion; the minutes in question were eventually supplied.

ARTICLE 49.

(See Third Annual Report, p. 212,
and Fourth Annual Report, p. 289.)

In the case of the jurisdiction of the International Commission of the Oder, in view of the fact that one Party in its Case and Counter-Case (there being no written Replies in this case) had made no submissions in regard to a second, contingent, question submitted in the Special Agreement (this Party having with regard to the main issue adopted a standpoint according to which the contingent question did not arise), an order was made at the Seventeenth (Ordinary) Session, prior to the opening of the oral proceedings, calling upon the Agent for that government to file, within a given time, contingent submissions on the second question also for communication in due time to the other Party.

In the same case an order was at the same time made calling for observations and submissions from the Parties—to be made at the outset of the hearing of this case—upon a preliminary point raised by one side relating to a question as to the admissibility of certain evidence. This question would—the order proceeds—be dealt with by the Court immediately and the argument on the merits of the case would follow forthwith.

The Court's eventual decision to exclude the records in question was also embodied in an order (made on August 20th, 1929). (See also under Statute, Article 52.)

ARTICLE 52.

(See Third Annual Report, pp. 213-214.)

At the hearing of a case at the Sixteenth (Extraordinary) Session, the Agent for one Party, after the termination of the hearing, filed a note and annexed document. The Agent for the other Party objected, contending that this proceeding should be considered null and void. As, however, the filing of the annexed document had been announced by the Agent for the first Party in his oral reply and had actually taken place during the oral reply of the Agent for the second Party, the Registrar held the annexed document at the disposal of members of the Court; he did not, however, communicate to them the terms of the note.

Submission of
evidence after
termination of
hearing.

Exclusion of evidence not admissible in respect of all Parties to the case.

In a case taken at the Seventeenth (Ordinary) Session, one Party relied upon, as evidence in its written memorials, the records of the preparation of certain articles of the Treaty of Versailles. The other side raised the question of the admissibility of this evidence. The Court dealt with this question at the outset of the oral proceedings and made an order thereon (see under Article 49). The Court's order excluded the records in question, the main ground for so doing being that these records were not admissible as evidence in respect of certain of the Parties to the case which did not take part in the work of the Peace Conference (1919) which prepared the Treaty of Versailles.

Exclusion of evidence not submitted in due form.

In a case heard at the Seventeenth (Ordinary) Session, one of the Parties had sent to the Court for information a collection of documents indirectly bearing upon the case but which were not to be regarded as annexed to any part of the written proceedings and which were not therefore to be communicated specially to the judges nor to the other Party. The Agent for the Party in question referred to these documents in his oral argument, at the same time filing a copy; whereupon the Agent for the other side submitted that the Court should discard them as evidence, since they had not been filed in due form and had only been brought to his notice during the oral proceedings. He stated that if the Court did not see fit to do so, he must ask for time to reply to them in writing and, if necessary, orally also. The Court, having considered this point, decided to exclude as evidence at that stage of the proceedings the publications in question, this decision being embodied in the order made on August 19th, 1929. (See also under Statute, Article 48.)

ARTICLE 54.

(See Third Annual Report, pp. 214-216,
Fourth Annual Report, pp. 289-290,
and Fifth Annual Report, p. 259.)

Preliminary discussion of a case not part of deliberation proper.

On June 17th, 1929, the Court was of opinion that the preliminary discussion of a case did not constitute a part of the Court's deliberation properly so-called, and that consequently it might be proceeded with notwithstanding the absence of a judge who was indisposed but who could be kept informed as to the exchange of views held by the Court. (See description of usual procedure for deliberations in the Fourth Annual Report, p. 290.)

Parallel preparation of judgments in two similar cases.

At the Sixteenth (Extraordinary) Session, during which two cases having much in common were taken, it was decided that the hearing of the second case should take place immediately after the hearing of the first and that the preliminary

discussion and preparation of individual notes and appointment of a drafting committee on the second should follow as soon as possible, so that the two draft judgments might be laid before the Court simultaneously.

See under Article 48 (order in case of the free zones) as regards the question of the unofficial communication of result of Court's deliberation to Parties and Court's decision thereon.

See under Article 39 as regards procedure for approval of translation of a judgment into the official language of the Court other than the language of the authoritative text.

ARTICLE 55, paragraph 2.

(See Third Annual Report, p. 216,
and Fourth Annual Report, p. 291.)

On April 16th, 1928, at the Thirteenth (Extraordinary) Session, during the discussion of a case, the President exercised his casting vote in a sense contrary to his original vote.

ARTICLE 57.

(See Third Annual Report, pp. 216-217,
and Fourth Annual Report, p. 291.)

RULES, ARTICLE 62.

See under Article 48—order in the case of the free zones—as regards the application by analogy in the case of an order of Statute, Article 57, and Rules, Article 62.

ARTICLE 58.

(See Third Annual Report, p. 217,
and Fourth Annual Report, p. 292.)

RULES, ARTICLE 63.

The practice is for the Registrar to send to the Secretary-General of the League of Nations advance copies of judgments, for release on the day on which judgment is delivered. In certain cases taken at the Sixteenth Session and concerning financial interests and in which special precautions had been taken to prevent indiscretions, the practice was not followed for similar reasons. Precautions to ensure secrecy.

See under Article 48—order in the case of the free zones—as regards impossibility of making known the result of the Court's deliberations unofficially, and under Article 38 for application by analogy of Article 58.

See under Articles 36-38, Rule 61, for application of Article 58 by analogy.

ARTICLE 59.

(See Third Annual Report, pp. 217-218,
and Fourth Annual Report, p. 292.)

In Judgment No. 13 (Series A., No. 17), the Court continually refers to and relies on its previous judgments in connection with the Chorzów factory (Nos. 6, 7 and 8, Series A., Nos. 6, 7 and 9). Also (p. 37) it refers to a principle stated in Judgment No. 12 (Series A., No. 15) to the effect that the Court's jurisdiction depends on the will of the Parties; again (p. 63) it refers to a passage in Judgment No. 1 (Series A., No. 1) to the effect that it neither can nor should contemplate the contingency of its judgment not being complied with at the expiration of the time fixed for compliance.

In Advisory Opinion No. 16 (Series B., No. 16), the Court, considering that the question upon which its opinion is sought is not exactly stated in the Request, and being desirous of formulating the points on which its opinion is required, refers (p. 15) to the precedent afforded by Advisory Opinion No. 3 (Series B., No. 3) in which the Court had to alter the terms of the question put. Again (p. 18), in connection with the appreciation of the duties of the Mixed Commission for the exchange of Greek and Turkish populations, it refers to the adoption of the same standpoint in Advisory Opinion No. 10 (Series B., No. 10).

In Judgment No. 14 (Series A., No. 20), reference is made to a statement made by the Court on several occasions, in particular in Judgments Nos. 2 (Series A., No. 2) and 13 (Series A., No. 17) to the effect that by taking up a case on behalf of its nationals before an international court, a State is asserting its own right—its right to ensure, in the person of its subjects, respect for the rules of international law.

In Judgment No. 15 (Series A., No. 21), the Court on several occasions refers to and relies on the grounds of Judgment No. 14 (Series A., No. 20).

SECTION II.

ADVISORY PROCEDURE.

RULES, ARTICLES 71-74.

(See Third Annual Report, pp. 222 *et seq.*, Fourth Annual Report, pp. 296-297, and Fifth Annual Report, p. 262.)

During the Third (Ordinary) Session, a request was received from an interested government for the postponement to a subsequent session of proceedings in regard to a question for advisory opinion (No. 7). It was replied that the Council of the League of Nations had expressed the desire that the opinion should be given at the current session, and that the question had accordingly been entered in the list of cases and that postponement would therefore be incompatible with Article 23 of the Statute.

In the case of Advisory Opinion No. 4 (Nationality Decrees in Tunis and Morocco), the memoranda submitted by the two governments concerned were allowed to be exchanged directly between those two governments, and, in accordance with the Council's desire, the question whether an extraordinary session should be held and the details of the procedure to be followed were settled in agreement with the said two governments. In this affair, moreover, the two governments were allowed to file two documents which were by analogy called Cases and Counter-Cases.

Practice and decisions in connection with Article 73 of the Rules.

In the case of Advisory Opinion No. 11 (Polish Postal Service at Danzig), the Court decided that, as it had before it no request from the interested States for permission to submit oral statements, there should be no public hearing unless, subsequently, the Court desired to obtain further information from the Parties, in which case a hearing might be arranged for that purpose. It was agreed that the Parties would have the right each to submit a counter-memorandum (on the analogy of the Counter-Case filed in proceedings under a special agreement) in lieu of an oral statement. In connection with the same Advisory Opinion, on April 20th, 1925, the Court was unanimously of opinion that documents filed by one interested government should be communicated to the other. It was also decided that each should be allowed to submit observations on documents annexed to the "counter-memorandum" filed by the other. These observations would be in writing, but the Court (April 21st, 1925) reserved the right to consider on its merits any subsequent request for a hearing.

The observations of one interested government went beyond the limits fixed by the Court and really constituted a Reply to the other side's Counter-Memorial. The Court however decided to accept the observations, but to allow the other government also to submit a Reply, not however having the Reply of the other side before it for the purpose.

Request by State not directly interested to make oral statement.

In the case of Advisory Opinion No. 9, at the Fifth Session, a request made by a government, not directly interested, to be allowed to submit an oral statement on the question submitted to the Court, was granted.

Channel of communication with Danzig.

In the case of the Polish Postal Service in Danzig submitted for advisory opinion (No. 11), the Court, whilst officially communicating with the Free City through the channel agreed upon (the Polish Ministry for Foreign Affairs), also sent duplicate communications direct to Danzig, and at the same time pointed out that the adoption in this case of the channel agreed upon was not to be construed as prejudicing the Court's right to communicate directly with legal entities capable of supplying information on questions before the Court.

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TO CHAPTER VI.

ABBREVIATIONS :

I. L. O. International Labour Office.
L. N. League of Nations.

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¹ 3 = Third Annual Report.

4 = Fourth " " .

5 = Fifth " " .

6 = Sixth " " , i.e. the present volume.

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CHAPTER VII.

PUBLICATIONS OF THE COURT.

In the First Annual Report of the Court, at page 273, ^{Question of} the method followed in the printing and publication of documents ^{printing.} relating to the Court's judicial, advisory, and administrative functions was outlined. In the Fourth Annual Report, at page 315, were stated the conclusions reached by the Supervisory Commission of the League of Nations after a general study of this method.

A series of new technical arrangements have been made in the course of 1929 and 1930 with a view to reducing the cost price and, accordingly, the sale price also of the Court's publications, on the lines of the report presented to the Supervisory Commission by the Registrar of the Court in April 1928.

* * *

The latest edition of the catalogue of the Court's publications ^{Catalogues.} (in English and French) was issued in January 1929. The volumes which have appeared since then have been dealt with in an addendum published in November 1929.

A new edition of the catalogue will appear in September 1930. Catalogue No. 8 will be included in different reviews of International Law of Europe and America, as was the case with Catalogue No. 7.

A special edition of the catalogue, in German, is circulated by the agent for Germany.

The agents for the sale of the Court's publications are informed in advance with regard to the progress of the different series of publications, particularly as regards cases actually proceeding and the publications in press.

* * *

The Court's publications are issued in the six following series :

- | | |
|----------------------------|--|
| Series of
Publications. | Series A. : Collection of Judgments. |
| | „ B. : Collection of Advisory Opinions. |
| | „ C. : Acts and Documents relating to Judgments and
Advisory Opinions given by the Court. |

The volumes of the latter series are divided into six sections. The first contains the minutes of public sittings ; the second, speeches made and documents read in Court ; the third, other documents submitted to the Court or procured by it ; the fourth, correspondence in regard to the case ; the fifth and sixth parts are devoted to a table of contents and an alphabetical index. From volume No. 5—I of Series C. onwards, this alphabetical index is to be found at the end of each volume ; as regards Nos. 1 to 4, it has been issued in the form of addenda which, where necessary, include a bibliography as an annex.

- | | |
|-------------|--|
| Series D. : | Acts and Documents concerning the organization
of the Court. |
| „ E. : | The Court's Annual Reports.
The present volume is the sixth of this series. |
| „ F. : | General Indexes. |

These indexes, the object of which is set out in the preface to the first of the Series, published in October 1927, and in the Fourth Annual Report (p. 319), are published at alternate intervals of four and five years. Volume No. 1 having been issued in 1927, Volume No. 2 will appear in 1931 and No. 3 in 1936. They refer to the subject matter contained in the volumes of Series A., B. and C., and consequently they do not overlap with the indexes attached to the end of each volume of Series C. nor with the analytical index of the judgments and opinions which appears in the Annual Reports as an annex to Chapters IV and V, since the latter serve a particular purpose only.

* * *

The following volumes have already appeared :

Publications
already
issued.SERIES A.—*Collection of Judgments.*

- No. 1. The S.S. *Wimbledon*.
 No. 2. The Mavrommatis Palestine Concessions.
 No. 3. Treaty of Neuilly, Article 179, Annex, paragraph 4 (Interpretation).
 No. 4. Interpretation of Judgment No. 3.
 No. 5. The Mavrommatis Jerusalem Concessions.
 No. 6. Case concerning certain German interests in Polish Upper Silesia (Question of jurisdiction).
 No. 7. Case concerning certain German interests in Polish Upper Silesia (The Merits).
 No. 8. Denunciation of the Treaty of November 2nd, 1865, between China and Belgium.—Orders of January 8th, February 15th and June 18th, 1927. (Indication of measures of interim protection.—Report with regard to this indication.)
 No. 9. Case concerning the Factory at Chorzów
 (Judgment No. 8.) (Claim for indemnity—Jurisdiction).
 No. 10. The *Lotus* case.
 (Judgment No. 9.)
 No. 11. Case of the readaptation of the Mavrommatis Jerusalem Concessions (Jurisdiction).
 (Judgment No. 10.)
 No. 12. Case concerning the Factory at Chorzów (Indemnity).—Order of November 21st, 1927, in regard to the request made by the German Government for the indication of a measure of interim protection.
 No. 13. Interpretation of Judgments Nos. 7 and 8
 (Judgment No. 11.) (Factory at Chorzów).
 No. 14. Denunciation of the Treaty of November 2nd, 1865, between China and Belgium.—Order of February 21st, 1928.
 No. 15. Case concerning certain rights of minorities
 (Judgment No. 12.) in Upper Silesia (Minority Schools).
 No. 16. Case relating to the denunciation of the Treaty between Belgium and China of November 2nd, 1865.—Order of August 13th, 1928.
 No. 17. Case relating to the Factory at Chorzów
 (Judgment No. 13.) (Claim for indemnity—Merits).

- Nos. 18/19. Case concerning the denunciation by China of the Sino-Belgian Treaty of November 2nd, 1865.—Case concerning the Factory at Chorzów (Indemnities).—Orders of May 25th, 1929.
- Nos. 20/21. Case relative to certain questions concerning the payment of various Serbian loans issued in France.—Case concerning the payment in gold of the Brazilian Federal loans issued in France.
- No. 22. Case of the free zones of Upper Savoy and the District of Gex.—Order of August 19th, 1929.
- No. 23. Case concerning the territorial jurisdiction of the International Commission of the River Oder.

SERIES B.—*Collection of Advisory Opinions.*

- No. 1. Advisory Opinion relating to the designation of the Workers' Delegate for the Netherlands at the Third Session of the International Labour Conference, given by the Court on July 31st, 1922.
- Nos. 2 and 3. Advisory Opinions relating to the competence of the International Labour Organization in regard to international regulation of the conditions of labour of persons employed in agriculture, and examination of proposals for the organization and development of the methods of agricultural production and other questions of a like character, given by the Court on August 12th, 1922.
- No. 4. Advisory Opinion relating to the Nationality Decrees issued in Tunis and Morocco (French zone) on November 8th, 1921, given by the Court on February 7th, 1923.
- No. 5. Advisory Opinion relating to the Statute of Eastern Carelia, given by the Court on July 23rd, 1923.
- No. 6. Advisory Opinion on certain questions relating to settlers of German origin in the territory ceded by Germany to Poland, given by the Court on September 10th, 1923.
- No. 7. Advisory Opinion on the question concerning the acquisition of Polish nationality, given by the Court on September 15th, 1923.
- No. 8. Advisory Opinion regarding the delimitation of the Polish-Czechoslovakian Frontier (ques-

- tion of Jaworzina), delivered by the Court on December 6th, 1923.
- No. 9. Advisory Opinion relating to the question of the Monastery of Saint-Naoum (Albanian Frontier), given by the Court on September 4th, 1924.
- No. 10. Advisory Opinion relating to the exchange of Greek and Turkish populations, given by the Court on February 21st, 1925.
- No. 11. Advisory Opinion relating to the Polish Postal Service in Danzig, given by the Court on May 16th, 1925.
- No. 12. Advisory Opinion concerning the interpretation of Article 3, paragraph 2, of the Treaty of Lausanne (Frontier between Turkey and Iraq), given by the Court on November 21st, 1925.
- No. 13. Advisory Opinion regarding the competence of the International Labour Organization to regulate, incidentally, the personal work of the employer, given by the Court on July 23rd, 1926.
- No. 14. Advisory Opinion concerning the jurisdiction of the European Commission of the Danube between Galatz and Braila, given by the Court on December 8th, 1927.
- No. 15. Advisory Opinion concerning the jurisdiction of the Courts of Danzig (Pecuniary claims of Danzig railway officials who have passed into the Polish service, against the Polish railways Administration), delivered by the Court on March 3rd, 1928.
- No. 16. Advisory Opinion concerning the interpretation of the Greco-Turkish Agreement of December 1st, 1926 (Final Protocol, Article IV), given by the Court on August 28th, 1928.

SERIES C.—*Acts and Documents relating to Judgments and Advisory Opinions given by the Court.*

- No. 1. First (ordinary) Session (June 15th—August 12th, 1922).
Documents relating to Advisory Opinions Nos. 1, 2 and 3.
- No. 2. Second (extraordinary) Session (January 8th—February 7th, 1923).
Documents relating to Advisory Opinion No. 4.
Supplementary volume:
Nationality Decrees in Tunis and Morocco.
Documents of the written proceedings.

- No. 3. Third (ordinary) Session (June 15th—September 15th, 1923).
 Vol. I. Documents (Minutes and speeches) relating to Advisory Opinions Nos. 5, 6 and 7, and Judgment No. 1.
 Vol. II. Documents (other than minutes and speeches) relating to Advisory Opinion No. 5 and Judgment No. 1.
 Vol. III. Documents (other than minutes and speeches) relating to Advisory Opinions Nos. 6 and 7.
 Vol. III^a. Documents (other than minutes and speeches) relating to Advisory Opinions Nos. 6 and 7.
Supplementary volume :
 Case of the S.S. *Wimbledon*. Documents of the written proceedings.
- No. 4. Fourth (extraordinary) Session (November 13th—December 6th, 1923).
 Documents relating to Advisory Opinion No. 8 (Jaworzina).
- No. 5. Fifth (ordinary) Session (June 15th—September 14th, 1924).
 Vol. I. Documents relating to Judgment No. 2 (Case of the Mavrommatis Palestine Concessions).
 Vol. II. Documents relating to Advisory Opinion No. 9 (Question of the Monastery of Saint-Naoum—Albanian frontier).
- No. 6. Chamber for Summary Procedure.
 Documents relating to Judgment No. 3 (Treaty of Neuilly, Part IX, Section IV, Annex, paragraph 4—Interpretation).
Supplementary volume :
 Documents relating to interpretation of Judgment No. 3.
- No. 7. Sixth (extraordinary) Session (January 15th—March 21st, 1925).
 Vol. I. Documents relating to Advisory Opinion No. 10 (Exchange of Greek and Turkish Populations).
 Vol. II. Documents relating to Judgment No. 5 (Case of the Mavrommatis Jerusalem Concessions).
- No. 8. Seventh (extraordinary) Session (April—May, 1925).

- Documents relating to Advisory Opinion No. 11 (Polish Postal Service at Danzig).
- No. 9^I. Eighth (ordinary) Session (June—August, 1925). Documents relating to Judgment No. 6 (Case concerning certain German interests in Polish Upper Silesia).
- No. 9^{II}. Eighth (ordinary) Session (June—August, 1925). Expulsion of the Œcumenical Patriarch (Request eventually withdrawn).
- No. 10. Ninth (extraordinary) Session (October—November, 1925). Documents relating to Advisory Opinion No. 12 (Treaty of Lausanne, Article 3, paragraph 2—Frontier between Turkey and Iraq).
- No. 11. Tenth (extraordinary) Session (February—
(3 vol.) May, 1926). Documents relating to Judgment No. 7 (Case concerning certain German interests in Polish Upper Silesia—Merits).
- No. 12. Eleventh (ordinary) Session (June—July, 1926). Documents relating to Advisory Opinion No. 13 (Competence of the International Labour Organization to regulate, incidentally, the personal work of the employer).
- No. 13^I. Twelfth (ordinary) Session (June—December, 1927). Documents relating to Judgment No. 8 (Case concerning the Factory at Chorzów—Claim for Indemnity—Jurisdiction).
- No. 13^{II}. Twelfth (ordinary) Session (June—December, 1927). Documents relating to Judgment No. 9 (The *Lotus* case).
- No. 13^{III}. Twelfth (ordinary) Session (June—December, 1927). Documents relating to Judgment No. 10 (Case of the readaptation of the Mavromatis Jerusalem Concessions—Jurisdiction).
- No. 13^{IV}. Twelfth (ordinary) Session (June—December,
(4 vol.) 1927). Documents relating to Advisory Opinion No. 14 (Jurisdiction of the European Commission of the Danube between Galatz and Braila).

- No. 13^v. Twelfth (ordinary) Session (June—December, 1927).
Documents relating to Judgment No. 11 (Interpretation of Judgments Nos. 7 and 8—Factory at Chorzów).
- No. 14ⁱ. Thirteenth (extraordinary) Session (February—April, 1928).
Documents relating to Advisory Opinion No. 15 (Jurisdiction of Danzig Courts—Claim by certain railway officials against the Polish Administration).
- No. 14ⁱⁱ. Thirteenth (extraordinary) Session (February—April, 1928).
Documents relating to Judgment No. 12 (Minority rights in Upper Silesia—Minority Schools).
- No. 15ⁱ. Fourteenth (ordinary) Session (June—September, 1928).
Documents relating to Advisory Opinion No. 16 (Interpretation of Greco-Turkish Agreement of December 1st, 1926—Final Protocol, Article IV).
- No. 15ⁱⁱ. Fourteenth (ordinary) Session (June—September, 1928).
Documents relating to Judgment No. 13 (The Chorzów Factory—Claim for indemnity—Merits).
- No. 16ⁱ. Sixteenth (extraordinary) Session (May—July, 1929).
Case concerning the denunciation of the Treaty of November 2nd, 1865, between China and Belgium (Application subsequently withdrawn).
- No. 16ⁱⁱ. Sixteenth (extraordinary) Session (May—July, 1929).
Documents relating to the orders of September 13th, 1928, October 16th, 1928, November 14th, 1928, and May 25th, 1929 (Chorzów Factory—claim for indemnity—merits) (termination of proceedings).
- No. 16ⁱⁱⁱ. Sixteenth (extraordinary) Session (May—July, 1929).
Documents relating to Judgment No. 14 (Case concerning the payment of various Serbian loans issued in France).

- No. 16^{iv}. Sixteenth (extraordinary) Session (May—July, 1929).
Documents relating to Judgment No. 15 (Case concerning the payment in gold of the Brazilian federal loans issued in France).
- No. 17ⁱ. Seventeenth (ordinary) Session (June—September, 1929).
Documents relating to the order of August 19th, 1929 (Free zones of Upper Savoy and the District of Gex)¹.
- No. 17ⁱⁱ. Seventeenth (ordinary) Session (June—September, 1929).
Documents relating to Judgment No. 16 (Territorial jurisdiction of the International Commission of the River Oder)².

SERIES D.—*Acts and Documents concerning the organization of the Court.*

- No. 1. Statute of the Court.—Rules of Court (as amended on July 31st, 1926).
- No. 2. Preparation of the Rules of Court.—Minutes of meetings during the preliminary session of the Court, with annexes.
Addendum to No. 2:
Revision of the Rules of Court (Minutes of meetings of the Court; report by the President; notes, observations and suggestions by members of the Court; report by the Registrar).
- No. 3. Collection of Texts governing the jurisdiction of the Court.
- No. 4. Collection of Texts governing the jurisdiction of the Court.
Second edition (June 1st, 1924).
- No. 5. Collection of Texts governing the jurisdiction of the Court.
Third edition (brought up to date, October 1st, 1926).

SERIES E.—*Annual Reports.*

- No. 1. Annual Report of the Permanent Court of International Justice (January 1st, 1922—June 15th, 1925).

¹ See p. 201.

² „ „ 213.

- No. 2. Second Annual Report of the Permanent Court of International Justice (June 15th, 1925—June 15th, 1926).
- No. 3. Third Annual Report of the Permanent Court of International Justice (June 15th, 1926—June 15th, 1927).
- No. 4. Fourth Annual Report of the Permanent Court of International Justice (June 15th, 1927—June 15th, 1928).
- No. 5. Fifth Annual Report of the Permanent Court of International Justice (June 15th, 1928—June 15th, 1929).
- No. 6. Sixth Annual Report of the Permanent Court of International Justice (June 15th, 1929—June 15th, 1930).

SERIES F.—*General Indexes.*

- No. 1. First General Index to the Publications of the Court (Series A., B. and C.).—First—eleventh Sessions (1922-1926). English and French in one volume.

Volume No. 1 of Series F. appeared in November 1927; volume No. 2 will appear at the beginning of 1931, i.e. after the new election of the whole Court (see bottom of p. 328).

* * *

The table given hereafter indicates the number of volumes which have appeared each year in the various series of publications, excluding the six volumes of the Court's decisions which have been published *in a German edition* up to June 15th, 1930 (see below).

* * *

German
edition.

(See Fifth Annual Report, p. 291.)

The following volumes of the German edition of the Court's publications had appeared up to June 15th, 1930:

I	(Judgments and Advisory Opinions 1922-1923)
II	(" " " " 1924)
III	(" " " " 1925)
IV	(" " " " 1926)
V	(" " " " 1927)
VI	(" " " " 1928).

Volume VII (Judgments and Opinions 1929) will be issued in September 1930.

As indicated in the Fourth and Fifth Annual Reports (p. 325 and p. 291), this edition is published by the *Institut für Internationales Recht*, at Kiel; it is published with the authorization of the Registrar and subject to his control.

PUBLICATIONS
OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

Published in	Series A.	Series B.	Series C.	Series D.	Series E.	Series F.	TOTAL
1922		2 volumes		1 volume			3 volumes
1923	1 volume	5 "	6 volumes	2 volumes			14 "
1924	2 volumes	1 volume	6 "	1 volume			10 "
1925	3 "	3 volumes	4 "		2 volumes		12 "
1926	1 volume	1 "	7 "	3 volumes	2 "		14 "
1927	6 volumes	1 "	2 "		2 "		11 "
1928	4 "	2 volumes	9 "		2 "	1 volume	18 "
1929	6 "		6 "		2 "		14 "
1930 (first six months)			4 "		2 "		6 "
	23 volumes	15 volumes	44 volumes	7 volumes	12 volumes	1 volume	102 volumes

CHAPTER VIII.

THE COURT'S FINANCES.

1.

RULES FOR FINANCIAL ADMINISTRATION.

A.—BASIS AND HISTORICAL SKETCH.

(See First Annual Report, p. 279.)

B.—THE FINANCIAL REGULATIONS.

The Court's First Annual Report (pp. 281-289) quoted or analysed the provisions of the League of Nations Financial Regulations. On pages 293 and 294 of the Fifth Annual Report were reproduced certain articles of the Regulations which had been amended in the course of the Sixth and Ninth Sessions of the Assembly of the League of Nations (1925 and 1928).

Difficulties having arisen during the Eighth Assembly (1927) owing to lack of the time requisite for consideration by the Supervisory Commission and by the Fourth (Financial) Committee of proposals made by the other (Technical) Committees of the Assembly involving supplementary credits, the Supervisory Commission was instructed by the Fourth Committee and by the Assembly to consider the procedure to be followed in future.

The Supervisory Commission considered this question at its twenty-sixth, twenty-eighth and twenty-ninth Sessions (1928). In the report on the proceedings of its twenty-ninth Session, it proposed the addition to the Financial Regulations of a new article 16*c* providing amongst other things that any application for supplementary credits should reach the Supervisory Commission within the first fifteen days following the

opening of the Assembly. On receiving this report, the Fourth Committee of the Ninth Assembly approved the amendment, which was subsequently adopted by the Assembly on September 26th, 1928 (nineteenth meeting).

In 1929, the bureau of the Fourth Committee asked the Tenth Assembly, as a special exception to this new provision of the Financial Regulations, to decide to allow some days longer for the submission of applications for supplementary credits. On September 11th, 1929 (twelfth meeting), the Assembly gave the required authority.

Notwithstanding this extension, it proved impossible to observe the time-limits. According to the discussions in the Fourth Committee (tenth meeting, September 21st, 1929), the reasons for this were, first, the large number of applications and, secondly, the prolongation of the general discussion in the full Assembly. The terms of Article 16 *c* therefore had shown themselves to be too rigid, and the Supervisory Commission considered that a more elastic provision should be substituted for it. In its report to the Assembly, the Fourth Committee approved a proposal by the Supervisory Commission for the submission to the next Assembly (the Eleventh, in September 1930) of a report on the improvements which might be made in the present procedure with regard to supplementary credits.

The Fourth Committee's report was adopted by the Assembly on September 25th, 1929 (twenty-first meeting).

During its thirty-seventh Session (May 1930), the Supervisory Commission adopted Articles 16 *a* and 16 *c* of the Financial Regulations in the following amended form¹:

"Article 16 a.

(1) *A proposal for expenditure on a purpose for which provision is not made in the budget as originally communicated to the Members of the League must be placed in the hands of the Secretary-General of the League of Nations at least one month before the date fixed for the opening of the Assembly's session. The Secretary-General, or the com-*

¹ The new proposals of the Commission, with the exception of mere modifications of wording, are in *italics*. See *Report of the Commission upon the work of its thirty-seventh Session* (League of Nations Document No. A. 5. 1930. X.).

petent official of the autonomous organization concerned, shall draw up as accurate an estimate as possible of the amount of *expenditure involved*. If the proposal is received later than one month before the opening of the session, it shall be adjourned until the next session of the Assembly, unless *by a special vote taken* by a two-thirds' majority the Assembly or the Finance Committee decides otherwise.

(2) The Secretary-General shall incorporate the estimates referred to in paragraph 1 above and estimates for any increases in the budget of the Secretariat which he himself considers it necessary to propose, in a single supplementary budget, which shall be circulated to the Members of the League and to the Supervisory Commission not later than two weeks before the opening of the Assembly's session.

Article 16 c.

(1) Proposed credits upon which a special report has been made by the Supervisory Commission under Article 16, paragraph 5, and the various estimates included in the supplementary budget, shall be dealt with by the following procedure:

(a) Where consideration of the objects for which the proposed credit is required is referred by the Assembly to a Committee other than the Finance Committee, all the relevant documents shall be placed before such Committee, which, in so far as it reports in favour of the said objects, shall examine the estimate of expenditure and, if necessary, modify it to correspond to the recommendations which it makes. The Committee's report, if it recommends a credit, shall be passed directly to the Supervisory Commission for verification of the estimated expenditure and be then submitted to the Finance Committee with a report by the Supervisory Commission. The report of the Committee concerned (other than the Finance Committee) must, however, be received by the Supervisory Commission within fifteen days from the opening of the session of the Assembly. If it is received later, the examination of the credit shall be adjourned to the next session of the Assembly, *unless the Finance Committee, by a decision taken by a two-thirds' majority, shall otherwise resolve, in which case the credit shall be referred to the Supervisory Commission for examination and report at the earliest possible moment.*

(b) In other cases, the proposed credits shall be referred to the Finance Committee with the observations of the Supervisory Commission.

(2) *The rules contained in paragraph 1 (a) above shall also apply in all cases where: (1) a proposal for expenditure for*

a purpose for which provision is not made in the budget or supplementary budget is referred by the Assembly to one of its Committees other than the Finance Committee; (2) a Committee other than the Finance Committee of its own motion adopts proposals capable of involving an increase in the budget as originally communicated to the Members of the League."

In its report, the Commission summarized the modified situation which would result from the adoption of these new clauses :

"(1) Article 16 *a* as now adopted makes it clear that the restrictive provisions therein laid down apply exclusively to expenditure on new objects, without, in other respects, affecting the former practice.

(2) The Assembly and its Finance Committee may, by a special vote requiring a two-thirds' majority, authorize the consideration of objects which would fall under the bar laid down by Article 16 *a*. The Committee recommends that the attention of the Agenda Committee of the Assembly should be specially drawn to this rule in order to ensure the smooth working of the arrangement now proposed.

(3) As regards Article 16 *c*, the Finance Committee is empowered to decide in special cases, by a two-thirds' vote, that the reports of committees may be considered by the Supervisory Commission even after the fifteen days' delay has expired."

C.—OTHER REGULATIONS.

(I) MEMBERS OF THE COURT.

(See First Annual Report, p. 289, and Fifth Annual Report, p. 295. See also Chapter II of this volume for the adoption by the Tenth Assembly of the League of Nations of proposals concerning the salaries, pensions and travelling expenses of members of the Court ; the application of these proposals depends on the entry into force of the revised Statute.)

On the instructions of the President of the Court, the Registry has prepared a document systematically setting out the rules applicable, under the provisions in force and in accordance with the decisions and practice of the competent financial authorities, as regards the payment of allowances and indemnities to members of the Court. This document is as follows :

RULES REGARDING THE PAYMENT OF ALLOWANCES
AND INDEMNITIES TO MEMBERS OF THE PERMANENT
COURT OF INTERNATIONAL JUSTICE.

Head I.

Subsistence Allowances.

I.

Ordinary or deputy-judges duly summoned by the President to attend an ordinary or extraordinary session of the Court (or of the Special Chambers)¹ are entitled to a subsistence allowance of fifty florins for each day of actual presence at the seat of the Court².

The subsistence allowance becomes payable at the earliest on the day immediately preceding the opening of the session; it ceases to be payable either on the date of the closure of the session—that day being always included—if that date coincides with that of the departure of the member of the Court concerned, or on the following day. (An exception to this rule is however made in the case of judges who are compelled owing to the means of transit used (steamship or special train) to arrive at the seat of the Court on a given day.)

The foregoing rule is applied by analogy to the case of judges duly summoned by the President for work necessitating their presence at the seat of the Court and to the case of the Vice-President (or senior judge) for periods during which he or they are called upon to replace the President at the seat of the Court.

2.

Judges *ad hoc*, appointed by their governments to sit in a particular case (Article 31 of the Statute) are entitled to a subsistence allowance of fifty florins, calculated as stated in the preceding section, for each day of actual presence at the seat of the Court³.

3.

Technical assessors (Articles 26 and 27 of the Statute and Article 35, paragraph 2, of the Rules) sitting as of right or under

¹ Articles 26, 27 and 29 of the Statute.

² First Report of the Supervisory Commission approved by the Assembly of 1922, p. 9, para. *f*.—Resolution of the Assembly of December 18th, 1920.

³ Assembly Resolution of September 23rd, 1922.

a decision of the Court, are entitled to a daily subsistence allowance of fifty florins during the period for which their duties oblige them to reside at the place where the Court is sitting, if they do not habitually reside there, or, should they do so, a daily subsistence of twenty-five florins¹.

The same provision applies to assessors summoned at the request of the Parties, subject to the provisions of the Regulations adopted by the Court on January 20th, 1923.

4².

In the event of an interruption in a session, judges who, throughout the whole duration of the interruption, do not leave the seat of the Court, are entitled to payment of subsistence allowance for the period in question.

In the event of an adjournment of the session³, the payment of subsistence allowances ceases either on the date of the adjournment—that day being always included—if that date coincides with that of the departure of the member of the Court in question, or on the following day, and begins again at the earliest on the day previous to the resumption of work.

5.

If, in an exceptional case, the Court were called upon to meet elsewhere than at its usual seat, it (or in the interval between two sessions, the President) would make such special provisions as circumstances might require, having due regard to the principles adopted for sessions at the seat of the Court⁴.

*Head II.***Duty Allowances.**

I.

Judges, summoned under the conditions contemplated in Sections 1 and 2 of Head I, are entitled to a daily duty allowance calculated according to the following scale:

Vice-President: Fls. 150, up to a maximum of Fls. 30,000
(200 days);
Ordinary judges: Fls. 100, up to a maximum of Fls. 20,000
(200 days);

¹ Assembly Resolution of September 23rd, 1922.

² An interruption differs from an adjournment in that it does not involve a formal suspension and resumption of the session.

³ Letter to judges dated July 7th, 1925.

⁴ Cf. the decision taken by the Court on February 17th, 1922.

habitually reside to the seat of the Court. Accordingly, members of the Court inform the Registrar of the place which is to be considered as their habitual place of residence.

Any change in this respect will be notified as soon as possible to the Registrar, who will inform the President.

2.

Travelling expenses are refunded to judges on presentation of detailed claims for expenses, duly signed by them.

These claims for expenses, countersigned by the Registrar who endorses them "Certified in conformity with the regulations in force", are transmitted by him to the President for signature and final approval. If the Registrar does not feel able to endorse a claim for expenses as indicated above, he transmits it, together with a report, to the President, with whom the decision rests.

3.

If a journey cannot be effected without a break, the additional hotel and subsistence expenses are refunded to the persons concerned ¹.

4.

Assessors are entitled to repayment of their necessary travelling expenses ².

5.

In the event of the interruption of a session, the judges present may, upon request, substitute for the subsistence allowance due to them for the period of interruption travelling expenses to an amount not exceeding that of the subsistence allowance due.

In the event of the adjournment of a session, travelling expenses are refunded as at the conclusion or beginning of a session.

*Head IV.***Missions away from the seat of the Court.**

Any member of the Court entrusted, by it or by the President, with a mission away from the seat of the Court, is entitled to repayment of his travelling expenses and to the payment of his duty allowance for the whole period of his mission.

Travelling expenses in the case of such a mission cannot be claimed in addition to travelling expenses for the journey from

¹ Decision of the Court of February 17th, 1922.

² Assembly Resolution of September 23rd, 1922.

a judge's habitual residence to the seat of the Court, if the mission begins or ends in the country of origin of the member of the Court concerned.

(2) REGISTRAR.

(See First Annual Report, p. 292.)

(3) OFFICIALS OF THE REGISTRY.

(See Second Annual Report, p. 201, Fourth Annual Report, p. 327, and Fifth Annual Report, p. 76.)

2.ANNUAL ACCOUNTS¹.

1929.

1.—BUDGET ESTIMATES.

(See Fifth Annual Report, p. 300.)

¹ For the details of budgets and accounts, see :
(a) for the 1929 budget: *League of Nations, Official Journal*, IXth year, No. 11 (November 1928), p. 1847 ;
(b) for the 1929 accounts: *League of Nations Document A. 3. 1930. X* ;
(c) for the 1930 budget: *League of Nations, Official Journal*, Xth year, No. 10 (October 1929), p. 1396 ;
(d) for the draft budget for 1931: *League of Nations Document A. 4. 1930. X*.

2.—ACCOUNTS.

	Credits.	Expenditure.
	Dutch florins.	
SECTION I.		
Ordinary Expenditure.		
<i>Chapter I.</i>		
Sessions of the Court	579,600.—	339,956.97
<i>Chapter II.</i>		
General services of the Court .	490,164.37	463,914.57
<i>Chapter III.</i>		
Cost of administration of the Court's Funds	75.—	1,405.82
<i>Chapter IV.</i>		
Contribution towards the con- stitution of a Fund to defray the expenses resulting from the Pensions Regulations for the personnel of the Court .	10,000.—	10,000.—
SECTION 2.		
<i>Chapter V.</i>		
Capital Account	10,000.—	9,595.14
	1,089,839.37	824,872.50
Receipts to be deducted:		
Bank interest	7,000.—	5,415.36
	1,082,839.37	819,457.14
Gold francs	2,255,555.—	1,704,784.05
	2,255,555.—	1,704,784.05

3.—SUMMARY OF ASSETS AND LIABILITIES ON DECEMBER 31st, 1929¹.

<i>Liabilities.</i>	Dutch florins.	Gold francs.	<i>Assets.</i>	Dutch florins.	Gold francs.
Depreciation Account	87,184.39½	180,758.01	Furniture, typewriters, etc.	84,580.26	175,360.96
Surplus of assets over liabilities .	666,716.35	1,386,291.43	Library	2,604.13½	5,397.05
			Contributions to be received in accordance with the details given below.	495,963.05	1,028,611.42
			Contributions to be received for fifth financial period: Gold francs 157,946.49	Dutch fls. 78,355.08	
			Contributions to be received for sixth financial period: Gold francs 165,107.27	79,175.86	
			Contributions to be received for seventh financial period: Gold francs 133,677.03	63,885.10	
			Contributions to be received for eighth financial period: Gold francs 112,924.95	54,213.23	
			Contributions to be received for ninth financial period: Gold francs 111,766.95	53,656.93	
			Contributions to be received for tenth financial period: Gold francs 108,654.42	52,162.34	
			Contributions to be received for eleventh financial period: Gold francs 238,534.31	114,514.51	
			Cash in hand and at bank	170,753.30	357,680.01
	<u>753,900.74½</u>	<u>1,567,049.44</u>		<u>753,900.74½</u>	<u>1,567,049.44</u>

¹ In order to follow out a recommendation of the Supervisory Commission, the value of the various items of the Court's Balance Sheet, hitherto only expressed in terms of Dutch florins, has also been given in Gold francs. (Report of the Supervisory Commission to the Fourth Committee of the Tenth Assembly, dated September 24th, 1929.)

1930.

1.—BUDGET ESTIMATES¹.

SECTION 1.—ORDINARY EXPENDITURE.

	Dutch florins.
<i>Chapter I.</i>	
Sessions of the Court	579,000.—
<i>Chapter II.</i>	
General services of the Court	498,729.81
<i>Chapter III.</i>	
Cost of administration of the Court's Funds	75.—
<i>Chapter IV.</i>	
Contribution towards the constitution of a fund to defray the expenses resulting from the Pensions Regulations for the personnel of the Court	10,000.—

SECTION 2.—CAPITAL ACCOUNT.

<i>Chapter V.</i>	
Capital Account	5,500.—
	1,093,304.81
Receipts to be deducted:	
Interest at Bank	4,500.—
	<u>1,088,804.81</u>

¹ In the Fifth Annual Report were given, on page 301, the budget estimates prepared by the Court, the adoption of which had been recommended to the Assembly by the Supervisory Commission but before they had been finally approved by a vote of the Assembly.

1931.

I.—BUDGET ESTIMATES¹.

SECTION I.—ORDINARY EXPENDITURE.	A	B
	Dutch florins.	
<i>Chapter I.</i>		
Sessions of the Court	600,600.—	156,100.—
<i>Chapter II.</i>		
General services of the Court . .	559,713.50	1,115,213.50
<i>Chapter III.</i>		
Cost of administration of the Court's Funds	100.—	100.—
<i>Chapter IV.</i>		
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 Permanent Court of International Justice"	30,000.—	30,000.—
SECTION 2.—CAPITAL ACCOUNT.		
<i>Chapter V.</i>		
Permanent installations, etc. . .	5,500.—	10,500.—
	1,195,913.50	1,311,913.50
Receipts to be deducted:		
Interest at Bank	4,500.—	7,500.—
	1,191,413.50	1,304,413.50

¹ The reason why two sets of estimates for the Permanent Court of International Justice are to be submitted to the Eleventh Assembly of the League of Nations (September 1930) is stated as follows in the *Introduction to the Budget estimates for 1931*:

"It is unfortunately impossible to submit to the Supervisory Committee one draft only for the Budget estimates of the Permanent Court of International Justice for the financial year 1931. For in September 1929, first a Diplomatic Conference, and subsequently the Assembly of the League of Nations adopted a considerable number of amendments to the Statute of the Court, which amendments are destined to come into effect on September 1st, 1930, and to become applicable as from January 1st, 1931. But as it is not certain that the conditions required for the entry into force of these amendments will be fulfilled by the required date, and as the Court's Budget would differ very appreciably according to whether the amendments above mentioned did or did not come into effect, it is essential to submit two distinct sets of estimates."

Estimates "A" are based on the Statute at present in force; estimates "B" on the revised Statute.

CHAPTER IX.

No. 6.

BIBLIOGRAPHICAL LIST OF OFFICIAL AND UNOFFICIAL
PUBLICATIONS CONCERNING THE PERMANENT COURT
OF INTERNATIONAL JUSTICE¹.

[The present list is a continuation of the bibliographical lists which appeared in the Second, Third, Fourth and Fifth Annual Reports (Series E., Nos. 2, 3, 4 and 5, ch. IX). It supplements and refers to them, the system of grouping being the same.

¹ This list has been prepared, like those of the five preceding Annual Reports, by the Assistant Librarian of the Carnegie Library of the Peace Palace, M. J. DOUMA.

NOTE.

The bibliographical references are uniform only as concerns titles prepared by the author of this list ; the others have been reproduced as they appear in national bibliographies or in the letters of casual correspondents ; this explains the slight differences which will be observed in the system followed for these references or as regards the typographical composition of this Bibliography.

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INTRODUCTION.

BIBLIOGRAPHIES CONCERNING THE COURT.

(See Fifth Annual Report, pp. 308-310.)

2662. *Permanent Court of International Justice. References supplementing previous lists* (Oct. 25, 1923; Jan. 13, 1926; June 18, 1928; June 5, 1929). May 29, 1930 [by W. A. SLADE]. Washington, Library of Congress, Division of bibliography, 1930. 17 pages.
[Mimeographed.]
2663. *The Permanent Court of International Justice and the relation of the United States to the Court. Select list of books, pamphlets, and periodical articles.* (Reading List No. 28, 1930, June 12.) Washington, Carnegie Endowment for International Peace, Library, 1930. 17 pages.
[Mimeographed.]
2664. *Liste mensuelle d'ouvrages catalogués à la Bibliothèque de la Société des Nations.* — *Monthly List of Books catalogued in the Library of the League of Nations.* Société des Nations, Bibliothèque. — League of Nations, Library. — 1^{re} année, 1928 et suiv. Genève, 1928, etc.
2665. *Liste bimensuelle d'articles sélectionnés.* — *Fortnightly List of selected articles.* Société des Nations, Bibliothèque. — League of Nations, Library. — 1^{re} année, volume 1, 1^{er} février 1929, nos 1-2 et suiv. Genève, 1929, etc.
[See Chapter I, under the heading "Legal activities", and Chapter III, under the heading "Legal questions".]
2666. *Bibliothèque du Palais de la Paix. Deuxième Supplément (1929) au Catalogue (1916), par J. TER MEULEN et A. LYSEN.* Leyde, Sijthoff, 1930. In-8°.
[Voir les pages 640-662.]
2667. *Liste bibliographique des publications officielles et non officielles relatives à la Cour permanente de Justice internationale. Supplément 1929, contenant les numéros 2260-2661 et deux index incorporés à ceux des listes précédentes. Dressée pour le Cinquième Rapport annuel de la Cour par J. DOUMA.* Extrait du Cinquième Rapport annuel de la Cour. Distribué avec l'autorisation du Greffier de la Cour par la Bibliothèque Carnegie du Palais de la Paix. La Haye, 1929. In-8°.
2668. *List (Bibliographical—) of official and unofficial publications concerning the Permanent Court of International Justice. Supplement 1929, containing numbers 2260-2661, with combined index*

to the preceding lists. Prepared for the Fifth Annual Report of the Court by J. DOUMA. Reprinted from the Court's Fifth Annual Report and distributed with the permission of the Registrar of the Court by the Carnegie Library of the Palace of Peace. The Hague, 1929. In-8°.

A.—OFFICIAL AND PRIVATE DRAFT PLANS.

I. FROM THE SECOND HAGUE PEACE CONFERENCE (1907) TO THE WORLD WAR.

(See Second Annual Report, pp. 213-216 ;
also p. 212 : footnote ; Fourth Annual Report, p. 339,
and Fifth Annual Report, p. 310.)

2. DURING THE WORLD WAR.

(See Second Annual Report, pp. 216-219,
and Fourth Annual Report, pp. 339-340.)

2669. JÄCK (ERNST), *Der Völkerbundgedanke in Deutschland während des Weltkrieges*. (Schriften der Deutschen Liga für Völkerbund.) Berlin, Franz Vahlen, 1929. In-8°, 47 pages.

3. THE PEACE CONFERENCE OF VERSAILLES. PLANS OF THE NEUTRAL POWERS. ADVISORY COMMITTEE OF JURISTS.

(See Second Annual Report, pp. 219-226,
Fourth Annual Report, pp. 340-342,
and Fifth Annual Report, p. 311.)

2670. *Paix (La —) de Versailles. La Conférence de la Paix et la Société des Nations. (La Documentation internationale [I.]*)
Paris, Les Éditions internationales, 1929. In-8°, 408 pages.

[La « Note explicative » de la page 3 dit entre autres :

Le présent volume se compose de trois catégories de textes :

1° Sténographie des séances plénières de la Conférence de la Paix relatives à la Société des Nations.

2° Procès-verbaux de la Première Commission (Hôtel Crillon).

3° Documents complémentaires, de source, soit belligérante, soit neutre, en étroite liaison avec l'objet des travaux de la Première Commission.

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2671. ANTONESCU (MIHAI), *Organizarea Păcii și Societatea Națiunilor*. Volumul I. București, Tipografia Scolelor Militare de Geniu, 1929. In-8°, 347 pages.

B.—THE PERMANENT COURT OF INTERNATIONAL JUSTICE.
(ITS CONSTITUTION.—ITS ORGANIZATION.—ITS PROCEDURE.—ITS JURISDICTION.)

I. PREPARATION OF THE STATUTE BY THE COUNCIL AND BY THE FIRST ASSEMBLY OF THE LEAGUE OF NATIONS.

A.—*Official Documents.*

(See Second Annual Report, pp. 226-227.)

B.—*Unofficial Publications (1920-1921).*

(See Second Annual Report, pp. 227-232,
Third Annual Report, pp. 259-260,
and Fourth Annual Report, pp. 342-343.)

I bis. REVISION OF THE STATUTE OF THE COURT IN PURSUANCE OF A DECISION OF THE NINTH ASSEMBLY OF THE LEAGUE OF NATIONS.

A.—*Official Documents.*

(See Fifth Annual Report, p. 312.)

2672. *Société des Nations. Procès-verbal de la Conférence concernant la revision du Statut de la Cour permanente de Justice internationale ainsi que l'adhésion des États-Unis d'Amérique au Protocole de signature de ce Statut.* Tenue à Genève, du 4 au 12 septembre 1929. Série de publications de la Société des Nations. V. Questions juridiques. 1929. V. 18. Genève, le 31 octobre 1929. N° officiel C. 514. M. 173. 1929. V. In-f°, 88 pages.

2673. *League of Nations. Minutes of the Conference regarding the revision of the Statute of the Permanent Court of International Justice and the accession of the United States of America to the Protocol of signature of that Statute.* Held at Geneva from September 4th to 12th, 1929. Series of League of Nations Publications. V. Legal. 1929. V. 18. Geneva, October 31st, 1929. Official No. C. 514. M. 173. 1929. V. In-f°, 88 pages.

2674. *Question de la revision du Statut de la Cour permanente de Justice internationale. Rapport de la première Commission à l'Assemblée Rapporteur: M. N.] POLITIS. Annexe: Projet de Protocole. — Draft Protocol.* Genève, le 13 septembre 1929. N° officiel A. 50. 1929. V. [C. A. S. C. 12.] Société des Nations. Série de Publications: 1929. V. 16. In-f°. [20 pages.]

¹ See also Nos. 2691-2766 and 2889-2892 of this list.

2675. *Question of the Revision of the Statute of the Permanent Court of International Justice. League of Nations—Report of the First Committee to the Assembly. Rapporteur: M. [N.] POLITIS. Annexe: Projet de Protocole.—Draft Protocol.* Geneva, September 13th, 1929. Official No. A. 50. 1929. V. [C. A. S. C. 12.]. Series of League of Nations Publications, V. Legal. 1929. V. 16. In-f°. [20 pages.]

B.—*Unofficial Publications.*

(See Fifth Annual Report, p. 313.)

2676. CALOYANNI (MEGALOS), *La réforme du Statut de la Cour permanente de Justice internationale.* [Deux conférences faites par M. —, à Strasbourg, les 24 et 25 février 1930. 1^{re} conférence: Les réformes apportées par la X^{me} session de la Société des Nations et l'adhésion des États-Unis d'Amérique à la Cour permanente de Justice internationale. 2^{me} conférence: Le développement des réformes et le Pacte Briand-Kellogg. (Revue internationale du Droit pénal, 7^{me} année, n° 2, 1930, pages 151-193.)]

2677. CASSIN (R.), *La révision du Statut de la Cour permanente de Justice internationale.* (Revue générale de Droit international public, 36^{me} année, 3^{me} série, tome III, n°s 4-5, 1929, juillet-octobre, pages 377-396.)

2678. CASSIN (RENÉ), *La révision du Statut de la Cour permanente de Justice internationale et l'adhésion des États-Unis.* (L'Europe Nouvelle, 12^{me} année, n° 607, 1929, 28 septembre, pages 1293-1301.)

2679. CASSIN (R.), *Der Haager Gerichtshof vor der 10. Vollversammlung.* (Nord und Süd, 52: 876-884, 1929, Oktober.)

2680. EYSINGA (W. J. M. VAN), *Het Juristen-comité 1929 inzake het Permanente Hof van Internationale Justitie van den Volkenbond.* (Mededeelingen van de Koninklijke Academie van Wetenschappen, Afdeling Letterkunde, Deel 68, Serie B, No. 5.)

2681. JESSUP (PHILIP C.), *Revising the Statute of the Permanent Court of International Justice.* (American Journal of International Law, Vol. 24, Nr. 2, 1930, April, pages 353-356.)

2682. *Proposed changes in the Statute of the World Court.* (Foreign Affairs [New York], 7: 670-672, July 1929.)

2683. RAALTE (E. VAN), *Het gewijzigd Statuut van het Internationaal Gerechtshof en Amerika's toetreding*. (De Volkenbond, 5^e jaargang, No. 2, 1929, November, pages 38-42.)
2684. RÆSTAD (ARNOLD), *Le projet du Comité de Juristes concernant la révision du Statut de la Cour permanente de Justice internationale*. (Revue de Droit international [Rédacteurs: N. POLITIS et A. DE LAPRADELLE], n^o 10, 3^{me} année, n^o 2, 1929, avril-mai-juin, pages 340-379.)
2685. * * * *La Révision du Statut de la Cour permanente de Justice internationale*. Paris, Les Éditions internationales, 1929. In-8^o, 95 pages.
2686. * * * *La Révision du Statut de la Cour permanente de Justice internationale*. (Revue de Droit international [Rédacteurs: A. DE LAPRADELLE et N. POLITIS], n^o 11, 3^{me} année, n^o 3, 1929, juillet-août-septembre, pages 5-66.)
2687. *La Révision du Statut de la Cour permanente de Justice internationale*. (Revue de Droit international [Rédacteurs: A. DE LAPRADELLE et N. POLITIS], n^o 12, 3^{me} année, n^o 4, 1929, octobre-novembre-décembre, pages 668-671.)
2688. SLOOTEN A.ZN (G. VAN), *Het gewijzigd Statuut van het Permanente Hof van Internationale Justitie*. (Nederlandsch Juristenblad, 5^e jaargang, No. 12.)

2. TEXTS OF THE PROTOCOL OF SIGNATURE AND OF THE STATUTE.

A.—Official Texts¹.

(See Second Annual Report, p. 232,
Third Annual Report, p. 260,
and Fourth Annual Report, p. 343.)

2689. *Pysyvällisen kansainvälisen tuomioistuimen perussääntöön sisältyvien säännösten hyväksymistä koskeva allekirjoituspöytäkirja. Protocole de signature. — Allekirjoittamis pöytäkirja. — Résolution relative à l'établissement d'une Cour permanente de Justice internationale approuvée par l'Assemblée de la Société des Nations, Genève, le 13 décembre 1920. — Kansainliiton Yleiskokouksen Genèvessä 13 päivänä joulukuuta 1920 hyväksymä Päätös, koskeva pysyvällisen kansainvälisen tuomioistuimen perustamista. — Statut de la Cour permanente de Justice internationale visé par*

¹ See also Nos. 2695, 2696 and 2708 of this list.

l'article 14 du Pacte de la Société des Nations. — *Kansainliiton peruskirjan 14 artiklassa mainitun pysyväisen kansainvälisen tuomioistuimen. Disposition facultative.* — *Ehdonalainen määräys.* (Suomen Sopimukset Vieraitten Voltioitten Kanssa, 1922, N:o 2-4, pages 11-33.) [Textes français et finlandais.]

B.—*Unofficial Publications.*

(See Second Annual Report, pp. 233-234,
Third Annual Report, p. 261,
and Fourth Annual Report, p. 343.)

2690. *Publication des Protocole et annexe faits à Genève le 14 septembre 1929 et concernant la révision du Statut de la Cour permanente de Justice internationale. Protocole. Annexe au Protocole du 14 septembre 1929. Amendements au Statut de la Cour permanente de Justice internationale.* (Pasinomie. Collection complète des lois 1930, 1^{re} livraison, pages 11-14.)

3. LEGISLATIVE INSTRUMENTS OF VARIOUS COUNTRIES.—PARLIAMEN-
TARY DOCUMENTS AND DEBATES.—LAWS AND DECREES OF
APPROVAL AND PUBLICATION.

(See Second Annual Report, pp. 235-260,
Third Annual Report, pp. 261-270,
Fourth Annual Report, pp. 344-348,
and Fifth Annual Report, pp. 313-315.)

AFRIQUE DU SUD. — UNION OF SOUTH AFRICA¹.

2691. *House of Assembly, January 27, 1930. Court of International Justice: the "Optional Clause".*

On 27th January, 1930, the House of Assembly, on the Motion of the Prime Minister, approved a Resolution authorising the Government to take steps to ratify the "Optional Clause" of the Statute of the Court of International Justice....

Debate in the House of Assembly. The Prime Minister and Minister of External Affairs (Gen. the Hon. J. B. M. HERTZOG), Hon. C. J. KRIGE, Dr. N. J. VAN DER MERVE. The Motion was agreed to.

(Journal of the Parliaments of the Empire, Vol. XI, No. 2, 1930, April, pages 447-452.)

AUTRICHE. — AUSTRIA.

2692. *Zuschrift des Bundeskanzlers an das Präsidium des Nationalrates, betreffend Verlängerung der Wirksamkeit der Fakultativen Klausel zu Artikel 36 des Statuts des Ständigen Internationalen Gerichtshofes.* 703 der Beilagen. — Nationalrat. II. Gesetzgebungsperiode. Vorlage der Bundesregierung. Wien, am 28. Jänner 1927. 13 pages.

¹ See also Nos. 2700-2703, 2722-2749, 2754 and 3098-3124 of this list.

2693. *Bericht des Verfassungsausschusses über die Vorlage der Bundesregierung (703 der Beilagen): Zuschrift des Bundeskanzlers an das Präsidium des Nationalrates, betreffend Verlängerung der Wirksamkeit der Fakultativen Klausel zu Artikel 36 des Statuts des Ständigen Internationalen Gerichtshofes.* 709 der Beilagen. — Nationalrat. II. Gesetzgebungsperiode. 1 page.

2694. *Verhandlungen des Nationalrates. Bericht des Verfassungsausschusses über die Regierungsvorlage (B. 703), ...* Berichterstat-ter Dr. SCHUMACHER. Annahme des Ausschuszantrages. (Stenographisches Protokoll. 180. Sitzung des Nationalrates der Republik Österreich. II. Gesetzgebungsperiode. 23. Februar 1927. P. 4589.)

BELGIQUE. — BELGIUM.

2695. *Protocole et annexe faits à Genève le 14 septembre 1929 et concernant la Révision du Statut de la Cour permanente de Justice internationale. Protocole. Annexe au Protocole du 14 septembre 1929. Amendements au Statut de la Cour permanente de Justice internationale.*

Protocol en bijlage opgemaakt te Genève, den 14^{en} September 1929, en betreffende de herziening van het Statuut van het Bestendige Hof van Internationale Justitie. Protocol. (Vertaling.) Bijlage bij het Protocol van 14 September 1929. (Vertalingen.) Amendementen aan het Statuut van het Bestendige Hof van Internationale Justitie. (Moniteur belge, 1930, n^o 36, 5 février, pages 451-457.)

BRÉSIL. — BRAZIL.

2696. *Camara dos Deputados. N. 266-1921. Approva a resolução relativa á criação de uma Côrte Permanente de Justiça Internacional, aprovada pela Assembléa de Liga das Nações.*

A Camara dos Deputados enviou o Ministro do Exterior a mensagem em que o Presidente da Republica submete á approvaçãõ do Congresso Nacional, em cópias authenticas, a resolução relativa á creaçãõ de uma Côrte Permanente de Justiça Inter-nacional.

· · · · · Mensagem á que se refere o parecer Ministerio das Relações Exteriores — Rio de Janeiro, 12 de junho de 1921.

Résolution relative à l'établissement... Resolution concerning the establishment... Protocole de signature... Protocol of signature. Statut de la Cour... Statute for the Permanent Court... 10 de agosto de 1921. (39 pages.)

2697. *Camara dos Deputados. N. 266 A—1921. A Comissão abaixo assignada propõe, para o projecto numero 266, de 1921,*

da Camara dos Deputados, que approva a resolução á creação de uma Côrte Permanente de Justiça Internacional, approvada pela Assembléa da Liga das Nações, a seguinte.... 11 de agosto de 1921. (1 page.)

2698. *Camara dos Deputados*. N. 266 C—1921, N. 266 B—1921. *Approva a resolução relativa á creação de uma Côrte Permanente de Justiça Internacional, approvada pela Assembléa da Liga das Nações (com parecer da Comissão de Diplomacia, favoravel á emenda do Senado)*. 22 de agosto de 1921. (1 page.)
2699. *Camara dos Deputados*. N. 266 D—1921. A Comissão abaixo assignada propõe, para o projecto numero 266 C. de 1921, da Camara dos Deputados, que approva a resolução relativa á creação de uma Côrte Permanente de Justiça Internacional, approvada pela Assembléa da Liga das Nações, a seguinte.... Redacção Final. 23 de agosto de 1921. (1 page.)

CANADA ¹.

2700. *House of Commons, February 11, 1923. International Peace.*
 Mr. H. B. ADSHEAD : Mr. Speaker, in view of the fact that we have just received the general treaty for the renunciation of war, signed at Paris on August 27, 1928, I should like to ask the Prime Minister whether the Government has notified the British Government that Canada will sign the Optional Clause.
 Right Hon. W. L. MACKENZIE KING (Prime Minister): I might say to my hon. friend that something has been done. I shall be glad to inform him what it is later on.
 (Dominion of Canada, Official Report of Debates, House of Commons, Vol. LXIV, p. 22.)
2701. *House of Commons, May 2, 1929. International Peace.*
 Mr. H. B. ADSHEAD : I wish to direct the attention of the Prime Minister to a despatch appearing in the press with regard to Canada's attitude toward the signing of the optional clause and if the Prime Minister will lay on the table the correspondence between Canada and Great Britain in this regard.
 Right Hon. W. L. MACKENZIE KING (Prime Minister): I do not recall having received any communication asking Canada's consent....
 Mr. J. S. WOODSWORTH : Mr. MACKENZIE KING So far as we are concerned our correspondence could be brought down at any time, with the consent of the governments with which we have been corresponding.
 (Dominion of Canada, Official Report of Debates, House of Commons, Vol. LXIV, pp. 2247-2248.)
2702. *House of Commons, May 7, 1929. International Peace.*
 Miss AGNES C. MACPHAIL : that Canada will not sign the Optional Clause until the mother country and the other dominions are ready to do so....
 Right Hon. W. L. MACKENZIE KING (Prime Minister) : I am afraid I have to say it is inaccurate.... I made no statement to the effect that we would not sign the Optional Clause unless all parts of the empire agreed. Our view is that there should be a conference in the first place.
 Mr. H. B. ADSHEAD : that Canada was willing to sign the Optional Clause immediately.

¹ See also Nos. 2691, 2722-2749, 2754 and 3098-3124 of this list.

Mr. MACKENZIE KING : ... we are quite prepared to sign the Optional Clause....

Mr. J. S. WOODSWORTH : ... that we would not wait until the next Imperial Conference....

Mr. MACKENZIE KING : It is quite possible....

(Dominion of Canada, Official Report of Debates, House of Commons, Vol. LXIV, p. 2409.)

2703. *Senate, April 4, 1930. Court of International Justice.* the Leader of the Senate moved the following Resolution: "That it is expedient that Parliament do approve of the Declaration under Article 36 of the Statute of the Permanent Court of International Justice, signed at Geneva in respect of the Dominion of Canada on 20th September, 1929, and that this House do approve of the same."

Debate in the Senate. The Leader of the Senate (Senator the Hon. R. DANDURAND), Senator the Hon. E. MICHENER, Senator the Rt. Hon. Sir G. FOSTER, Senator the Hon. H. S. BÉLAND.

(Journal of the Parliaments of the Empire, Vol. XI, No. 2, 1930, April, pages 341-344.)

2704. *Senate, April 8, 1930. Protocol for revision of Statute of Permanent Court.*

The Leader of the Senate, moving the Resolution to approve the Protocol, stated....

Protocol for accession of the United States.

The Leader of the Senate, moving the Resolution to approve the Protocol, stated....

Debate in the Senate. Senator CASGRAIN, The Speaker of the Senate (Senator the Hon. H. BOSTOCK), Senator the Hon. N. A. BELCOURT, Senator the Hon. C. P. BEAUBIEN, Senator BÉLAND, Senator BÉLÉQUE, Senator the Rt. Hon. G. P. GRAHAM.

At the conclusion of the debate, the Resolutions were agreed to.

(Journal of the Parliaments of the Empire, Vol. XI, No. 2, 1930, April, pages 345-350.)

2705. *House of Commons, April 9, 1930. International Peace. Permanent Court of International Justice, Optional Clause.*

Right Hon. W. L. MACKENZIE KING (Prime Minister) moved: That it is expedient that Parliament do approve of the declaration under Article 36 of the Statute of the Permanent Court of International Justice....

Mr. GEARY, Mr. ADSHEAD, Hon. HUGH GUTHRIE, Mr. C. H. CAHAN, Mr. BOURASSA, Mr. GARLAND, Mr. WOODSWORTH, Hon. ERNEST LAPOINTE (Minister of Justice), Mr. KAISER.... (Discussion.) Motion agreed to.

(Dominion of Canada, Official Report of Debates, House of Commons, Vol. LXV, pages 1466-1479.)

(See also: Journal of the Parliaments of the Empire, Vol. XI, No. 2, 1930, April, pages 350-351.)

2706. *House of Commons, May 5, 1930. International Peace. Permanent Court of International Justice.*

Right Hon. W. L. MACKENZIE KING (Prime Minister) moved: That it is expedient that Parliament do approve of the protocol for the revision of the Statute of the Permanent Court of International Justice....

Hon. R. B. BENNETT, Mr. ADSHEAD, Mr. LAPOINTE. (Discussion.)

Motion agreed to.

(Dominion of Canada, Official Report of Debates, House of Commons, Vol. LXV, pages 1850-1851.)

2707. *House of Commons, May 5, 1930. Accession of United States to Permanent Court.*

Right Hon. W. L. MACKENZIE KING (Prime Minister) moved: That it is expedient that Parliament do approve of the protocol relating to the accession of the United States to the protocol of signature of the Statute of the Permanent Court of International Justice....

Hon. R. B. BENNETT.... (Discussion).

Motion agreed to.

(Dominion of Canada, Official Report of Debates, House of Commons, Vol. LXV, p. 1852.)

CUBA.

2708. *Poder Ejecutivo. Secretaria de Estado. ALFREDO ZAYAS Y ALFONSO, Presidente de la Republica de Cuba....*

Estatuto de la Corte permanente de Justicia Internacional, creada por el articulo 14 del Pacto de la Liga de las Naciones Que los citados Estatuto y Protocolo han sido aprobados y ratificados por mí con esta fecha. Por tanto, mando que se publiquen y que se les de entero cumplimiento.

Habana, Palacio de la Presidencia, a doce de septiembre de mil novecientos veintiuno....

(Gaceta oficial de la República de Cuba, Año XX. — Núm. 88, 12 de octubre de 1921, Tomo IV, pág. 6937-6944.)

FINLANDE. — FINLAND.

2709. *Regeringens proposition till Riksdagen om godkännande av ett protokoll rörande ändringar i stadgan för den Fasta Mellanfolkliga Domstolen. (1930 års riksdag N:o 8.)*

2710. *Utskottets för utrikesärenden betänkande N:o 6 med anledning av Regeringens proposition om godkännande av ett protokoll rörande ändringar i stadgan för den Fasta Mellanfolkliga Domstolen. (1930 Rd. — U. B. — Prop. N:o 8.)*

2711. *Riksdagens svar å Regeringens proposition om godkännande av ett protokoll rörande ändringar i stadgan för den Fasta Mellanfolkliga Domstolen. (1930 Rd. — Riksd. sv. — Prop. N:o 8.)*

2712. *Hallituksen esitys Eduskunnalle Pysyväisen Kansainvälisen Tuomioistuimen perussäännön osittaista muuttamista koskevan pöytäkirjan hyväksymisestä. (1930 vuoden valtiopäivät N:o 8.)*

2713. *Ulkoasiainvaliokunnan mietintö N:o 6 Hallituksen esityksen johdosta Pysyväisen Kansainvälisen Tuomioistuimen perussäännön osittaista muuttamista koskevan pöytäkirjan hyväksymisestä. (1930 Vp. — V. M. — Esitys N:o 8.)*

2714. *Eduskunnan vastaus Hallituksen esitykseen Pysyväisen Kansainvälisen Tuomioistuimen perussäännön osittaista muuttamista koskevan pöytäkirjan hyväksymisestä.* (1930 Vp. — Edusk. vast. — Esitys N:o 8.)
2715. *Regeringens proposition till Riksdagen om godkännande av ett protokoll rörande Amerikas Förenta Staters anslutning till den Fasta Mellanfolkliga Domstolen.* (1930 års riksdag N:o 9.)
2716. *Utskottets för utrikesärenden betänkande N:o 7 med anledning av Regeringens proposition om godkännande av ett protokoll rörande Amerikas Förenta Staters anslutning till den Fasta Mellanfolkliga Domstolen.* (1930 Rd. — U. B. — Prop. N:o 9.)
2717. *Riksdagens svar å Regeringens proposition om godkännande av ett protokoll rörande Amerikas Förenta Staters anslutning till den Fasta Mellanfolkliga Domstolen.* (1930 Rd. — Riksd. sv. — Prop. N:o 9.)
2718. *Hallituksen esitys Eduskunnalle Amerikan Yhdysvaltain liittymistä Pysyväiseen Kansainväliseen Tuomioistuimeen koskevan pöytäkirjan hyväksymisestä.* (1930 vuoden valtiopäivät N:o 9.)
2719. *Ulkoasiainvaliokunnan mietintö N:o 7 Hallituksen esityksen johdosta Amerikan Yhdysvaltain liittymistä Pysyväiseen Kansainväliseen Tuomioistuimeen koskevan pöytäkirjan hyväksymisestä.* (1930 Vp. — V. M. — Esitys N:o 9.)
2720. *Eduskunnan vastaus Hallituksen esitykseen Amerikan Yhdysvaltain liittymistä Pysyväiseen Kansainväliseen Tuomioistuimeen koskevan pöytäkirjan hyväksymisestä.* (1930 Vp. — Edusk. vast. — Esitys N:o 9.)

FRANCE.

2721. CHAMBRE DES DÉPUTÉS. *Discussion du projet de loi tendant à autoriser la ratification : 1° d'un protocole et son annexe, en date à Genève du 14 septembre 1929, relatif à des amendements au Statut de la Cour permanente de Justice internationale, signé par la France et diverses Puissances étrangères ; 2° d'un protocole relatif à l'adhésion des États-Unis d'Amérique au protocole du 16 décembre 1920. Discussion générale : MM. MAXENCE BIBIÉ, Rapporteur ; MARCEL CACHIN. — Clôture. Adoption de l'article unique.* (Journal officiel de la République française, débats parlementaires, Chambre des Députés, session ordinaire de 1930, séance du 5 juin 1930, pages 2404-2408.)

GRANDE-BRETAGNE. — GREAT BRITAIN.

[Private Members of Parliament have at various times in 1929¹ directed questions to Ministers of the Crown on the subject of acceptance of the Optional Clause², consultation with the Dominions before acceptance, the effect of the reservations attached to acceptance, as interpreted both by H.M. Government in Great Britain and by the Dominions, and the number of States signing or about to sign the Optional Clause. These will be found in the following volumes of Parliamentary Debates, Official Report.]

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|---|---|----------------------------|
| 2722. Mr. MANDER, House of Commons,
11 July, 1929. Answer of Mr. DALTON | } | Vol. 229, p. 1094. |
| 2723. Captain EDEN, House of Commons,
22 July, 1929. Answer of Mr. ARTHUR
HENDERSON | } | Vol. 230, p. 892. |
| 2724. Captain BULLOCK, House of Commons,
25 July, 1929. Answer of Mr. DALTON | } | Vol. 230, p. 1519. |
| 2725. Sir WILLIAM MITCHELL-THOMSON,
House of Commons, 31 October, 1929.
Answer of Mr. DALTON | } | Vol. 231, p. 336. |
| 2726. Mrs. HAMILTON, House of Commons,
31 October, 1929. Answer of Mr. DALTON | } | Vol. 231, p. 337. |
| 2727. Sir WILLIAM DAVISON, House of Com-
mons, 4 November, 1929. Answer of
Mr. ARTHUR HENDERSON | } | Vol. 231, p. 585. |
| 2728. Mr. GODFREY LOCKER-LAMPSON, House
of Commons, 4 November, 1929. Answer
of Prime Minister, Mr. J. RAMSAY MAC-
DONALD | } | Vol. 231, p. 586. |
| 2729. Sir JOHN POWER, House of Commons,
6 November, 1929. Answer of Mr. ARTHUR
HENDERSON | } | Vol. 231, p. 1067. |
| 2730. Rear Admiral BEAMISH, House of Com-
mons, 7 November, 1929. Answer of
Mr. DALTON | } | Vol. 231, p. 1285. |
| 2731. Mr. MANDER, House of Commons, 7
November, 1929. Answer of Mr. DALTON | } | Vol. 231, p. 1285. |
| 2732. Mr. GODFREY LOCKER-LAMPSON, House
of Commons, 11 November, 1929. Sup-
plementary question by Sir W. MITCHELL-
THOMSON. Answers of Mr. ARTHUR HEN-
DERSON and Mr. PONSONBY | } | Vol. 231, pages 1511-1512. |
| 2733. Mr. GODFREY LOCKER-LAMPSON, House
of Commons, 13 November, 1929. Sup-
plementary questions by Sir A. CHAM-
BERLAIN and Mr. THURTLÉ. Answers of
Mr. ARTHUR HENDERSON | } | Vol. 231, pages 2007-2008. |

¹ Questions directed to, and answers given by, Ministers of the Crown during the year 1930 will be mentioned in the next list, which is to be inserted in the Seventh Annual Report of the Court.

² See also Nos. 2691, 2700-2703, 2749, 2754 and 3098-3124 of this list.

2734. Mr. REMER, House of Commons, 13 November, 1929. Answer of Mr. ARTHUR HENDERSON } Vol. 231, p. 2048.
2735. Captain CROOKSHANK, House of Commons, 14 November, 1929. Supplementary question by Sir H. CROFT. Answers of the Prime Minister, Mr. J. RAMSAY MACDONALD } Vol. 231, p. 2205.
2736. Mr. MANDER, House of Commons, 20 November, 1929. Answer of Mr. ARTHUR HENDERSON } Vol. 232, p. 509.
2737. Sir KINGSLEY WOOD, House of Commons, 27 November, 1929. Supplementary question by Mr. G. LOCKER-LAMPSON. Answers of Mr. ARTHUR HENDERSON } Vol. 232, p. 1387.
2738. Sir AUSTEN CHAMBERLAIN, House of Commons, 9 December, 1929. Answer of Mr. ARTHUR HENDERSON } Vol. 233, p. 23.
- 2738 *bis*. King's Speech, House of Commons, 2 July, 1929. Signature of Optional Clause stated to be under consideration. References in the ensuing debates on the Address by Mr. CECIL WILSON, Mr. BALDWIN, The Prime Minister, Mr. J. RAMSAY MACDONALD, Mr. LLOYD GEORGE, Mr. PERRY, Mr. G. LOCKER-LAMPSON, Sir A. CHAMBERLAIN, Mr. A. HENDERSON, Captain EDEN, Lieut.-Commander KENWORTHY, Viscountess ASTOR, Mr. RUNCIMAN, Mr. KNIGHT, Mr. DALTON } Vol. 229, pages 48, 55, 58-59, 69, 153, 167, 386-389, 401-406, 413-416, 422-423, 426-427, 441-442, 446-449, 454-455.
2739. Mr. NOEL BAKER, House of Commons, 23 December, 1929. Optional Clause and Egyptian Treaty Proposals. Remarks in Speech on Motion for Adjournment. References by Sir RENNELL RODD, Captain EDEN, Mr. DALTON } Vol. 233, pages 1987-1988, 2022, 2024, 2051, 2073-2074.
2740. Viscount CECIL OF CHELWOOD, House of Lords, 19 December, 1928. Question asking what Members of the League have signed the Optional Clause, which have ratified their signatures, and what reservations have been made. Answer of the Marquess of SALISBURY } Vol. 72, pages 725-727.
2741. Viscount CECIL OF CHELWOOD, House of Lords, 1 May, 1929. Motion in favour of signing the Optional Clause, negatived by 26 to 19. Speeches by the Lord Chancellor Lord HAILSHAM, the Marquess of READING, Lord PARMOOR, and the Marquess of SALISBURY } Vol. 74, pages 288-330.

2742. King's Speech, House of Lords, 2 July, 1929. Signature of the Optional Clause stated to be under consideration. References in the ensuing debate on the Address by Earl RUSSELL, the Marquess of SALISBURY, Earl BEAUCHAMP, and Lord PARMOOR } Vol. 75, pages 6-7, 9-10, 21, 28, 38-39.
2743. *Permanent Court of International Justice. Declaration made on behalf of His Majesty's Government in the United Kingdom at the time of the Signature of the Optional Clause.* Geneva, Sept. 17, 1929. (Miscellaneous No. 8, 1929.) London, H.M. Stationery Office, 1929.
2744. *Accession of the United States of America to the Protocol of signature of the Statute of the Permanent Court of International Justice.* September 14, 1929. (Miscellaneous No. 9, 1929.) Cmd. 3428. London, H.M. Stationery Office, 1929.
2745. *Protocol for the revision of the Statute of the Permanent Court of International Justice.* Geneva, September 14, 1929. (Miscellaneous No. 10, 1929.) Cmd. 3432. London, H.M. Stationery Office, 1929.
2746. *Memorandum on the signature by His Majesty's Government in the United Kingdom of the Optional Clause of the Statute of the Permanent Court of International Justice. Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty.* Cmd. 3452. Miscellaneous No. 12 (1929). London, His Majesty's Stationery Office, 1929.
2747. *Protocol. Accession of the United States of America to the Protocol of Signature of the Statute of the Permanent Court of International Justice.* Geneva, September 14, 1929. [His Britannic Majesty's ratification in respect of the United Kingdom deposited February 12, 1930.] Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty. Treaty Series No. 13 (1930). Cmd. 3527. London, His Majesty's Stationery Office, 1930. In-8°, 10 pages.
2748. *Protocol for the revision of the Statute of the Permanent Court of International Justice.* Geneva, September 14, 1929. [His Britannic Majesty's ratification in respect of the United Kingdom deposited February 12, 1930.] Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty. Treaty Series No. 14 (1930). Cmd. 3528. London, His Majesty's Stationery Office, 1930. In-8°, 21 pages.

IRLANDE (ÉTAT LIBRE D'—). — IRISH FREE STATE ¹.

2749. *Dáil, February 26, 1930. The "Optional Clause"; Approval of Declaration; Attitude towards reservations.* The Minister for External Affairs moved a Resolution to approve the Declaration accepting as compulsory the jurisdiction of the Court of International Justice, signed at Geneva on 14th September, 1929. Debate in the Dáil.

The Minister for External Affairs (Mr. P. MCGILLIGAN); Mr. S. T. O'KELLY, Mr. T. J. O'CONNELL....

The Motion was agreed to without a division.

(Journal of the Parliaments of the Empire, Vol. XI, No. 2, 1930, April, pages 472-476.)

LUXEMBOURG.

2750. *Projet de loi portant ratification du Statut révisé de la Cour permanente de Justice internationale, de la Clause facultative de juridiction obligatoire de ladite Cour, de l'adhésion des États-Unis d'Amérique audit Statut, des traités d'arbitrage signés depuis 1927 et de l'Acte général d'Arbitrage.*

Dépêche au Conseil d'État, en date du 16 mai 1930.... Exposé des motifs.... Projet de loi.... Protocole de signature du Statut de la Cour.... Protocole de signature de la disposition facultative de l'article 36, § 2, du Statut de la Cour.... Révision du Statut de la Cour.... Protocole. Annexe au Protocole.... Adhésion des États-Unis d'Amérique.... Divers traités.... Acte général.... Avis du Conseil d'État. Arrêté grand-ducal de dépôt (du 14 juin 1930). N° 283. Chambre des Députés. Session ordinaire de 1929-1930. In-f°. 77 pages.

NORVÈGE. — NORWAY.

2751. *St. prp. nr. 8. (1930). Om Stortingets samtykke til ratifikasjon fra norsk side av protokoller av 14de september 1929 om revisjon av vedtektene for den faste domstol for mellemfolkelig rettspleie og om Amerikas Forente Staters tilslutning til undertegningsprotokollen for nevnte vedtekter. Utenriksdepartementets innstilling av 24de januar 1930, som er bifalt ved kongelig resolusjon av samme dag. Bilag: 1. Skrivelse av 2den desember 1929 fra dr. jur. A. RÆSTAD til Utenriksdepartementet. — 2. Utredning av s. d. av dr. RÆSTAD om „Forandringer i vedtektene for den faste mellemfolkelige domstol”. — 3. Utredning av s. d. av dr. RÆSTAD om „De Forente Stater og den faste mellemfolkelige domstol”. — 4. Protokoll av 14de september 1929 om revisjon av vedtektene for den faste domstol for mellemfolkelig rettspleie. Fransk og engelsk tekst med norsk oversettelse. — 5. Protokoll av s. d. om Amerikas Forente Staters tilslutning til undertegningsprotokollen for vedtektene for den faste domstol for mellemfolkelig rettspleie. Fransk og engelsk tekst med norsk oversettelse. Utenriksdepartementet, 1930. In-8°, 56 pages.*

¹ See also Nos. 2691, 2700-2703, 2754 and 3098-3124 of this list.

2752. *Innst. S. nr. 37.* — 1930. [pages 106-107.] *Innstilling fra utenriks- og konstitusjonskomiteen om samtykke til ratifikasjon fra norsk side av protokoller av 14de september 1929 om revisjon av vedtektene for den faste domstol for mellemfolkelig rettspleie og om Amerikas Forente Staters tilslutning til undertegningsprotokollen for nevnte vedtekter. (St. prp. nr. 8—1930.)*
2753. *Forhandlinger i Stortinget (nr. 49).* 1930. [p. 385.] *Sak nr. 5. Innstilling fra utenriks- og konstitusjonskomiteen om samtykke til ratifikasjon fra norsk side av protokoller av 14. september 1929 om (innst. S. nr. 37). Votering : Komiteens instilling bifaltes enstemmig.*

NOUVELLE-ZÉLANDE. — NEW ZEALAND¹.

2754. *House of Representatives, September 1920, 1929. Court of International Justice. (The "Optional Clause": signature of New Zealand.)*
 a Discussion took place on the question of the "Optional Clause" of the Statute of the Court of International Justice. Debate in House of Representatives. Mr. H. E. HOLLAND, the Prime Minister (Rt. Hon. Sir JOSEPH WARD, Mr. P. FRASER, Rt. Hon. J. G. COATES, Mr. M. J. SAVAGE, Mr. W. E. BARNARD.
 (Journal of the Parliaments of the Empire, Vol. XI, No. 2, 1930, April, pages 411-414.)

PAYS-BAS. — NETHERLANDS.

2755. *Tweede Kamer der Staten-Generaal.*
Koninklijke Boodschap aan de Tweede Kamer der Staten-Generaal ... twee ontwerpen van wet (en bijlagen) tot :
 1° *goedkeuring van het Protocol met bijlage nopens de herziening van het Statuut van het Permanente Hof van Internationale Justitie....*
 2° *goedkeuring van het Protocol nopens de toetreding van de Vereenigde Staten van Amerika tot het Protocol van onderteekening van het Statuut van het Permanente Hof van Internationale Justitie [1°] Ontwerp van Wet.... Protocole.... Protocol.... Annexe au Protocole du 14 septembre 1929. Amendements au Statut.... Annex to the Protocol.... Amendments to the Statute.... Memorie van Toelichting. Bijlage I van de Memorie van Toelichting: Protocol. Bijlage van het Protocol.... Amendementen.... Bijlage II van de Memorie van Toelichting. Statut révisé de la Cour permanente de Justice internationale.*
 [2°] *Ontwerp van Wet.... Protocole.... Protocol.... Memorie van Toelichting. Bijlage van de Memorie van Toelichting. Protocol.... Verslag van de Commissie van Rapporteurs. Nota van den Minister van Buitenlandsche Zaken naar aanleiding van het Verslag van de Commissie van Rapporteurs.*
 (Verslag van de Handelingen der Staten-Generaal. Bijlagen. 1929-1930. Tweede Kamer. Bijlagen 281. 1-2, 3, 4, 5, 6-7. 31 pages.)

¹ See also Nos. 2691, 2700-2703, 2749 and 3098-3124 of this list.

2756. *Tweede Kamer der Staten-Generaal. 65^e Vergadering — 27 Maart 1930.* Aan de orde is de behandeling van de ontwerpen van wet.... De algemeene beraadslaging.... De heer MARCHANT: De heer BEELAERTS VAN BLOKLAND, Minister van Buitenlandsche Zaken: De heer BEUMER: De beide ontwerpen van Wet worden achtereenvolgens, telkens na goedkeuring der onderdeelen, zonder hoofdelijke stemming aangenomen.
(Verslag van de Handelingen der Staten-Generaal, 1929-1930, Tweede Kamer, vel 491, pages 1911-1912.)

2757. *Eerste Kamer der Staten-Generaal.*
Voorloopig Verslag van de Commissie van rapporteurs over de ontwerpen van wet tot: 1^o 2^o Eindverslag van de Commissie van rapporteurs.... bevattende de Memorie van antwoord van den Minister van Buitenlandsche Zaken.
(Verslag van de Handelingen der Staten-Generaal. Bijlagen. 1929-1930. Eerste Kamer. Bijlage 281. 1 page.)

2758. *Eerste Kamer der Staten-Generaal.*
Aan de orde is de behandeling van de volgende ontwerpen van wet:
III:
De beraadslaging wordt geopend. De heer ANEMA: De heer BEELAERTS VAN BLOKLAND (Minister van Buitenlandsche Zaken): De ontwerpen van wet worden achtereenvolgens zonder hoofdelijke stemming aangenomen.
(Verslag van de Handelingen der Staten-Generaal, 1929-1930, Eerste Kamer, vel 169, pages 630-632.)

SUÈDE. — SWEDEN.

2759. *Kungl. Maj:ts proposition (Nr 19) till riksdagen angående godkännande av ett i Genève den 14 september 1929 dagtecknat protokoll rörande revision av stadgan för den fasta mellanfolkliga domstolen ; given Stockholms slott den 16 januari 1930.*
Bilaga: Revision av stadgan för den fasta mellanfolkliga domstolen. Protocole... Protocol... (Översättning.) Protokoll... Bilaga till protokollet den 14 september 1929: Ändringar i stadgan för den fasta mellanfolkliga domstolen. Nouvelle rédaction New text.... Ny lydelse....
(Bihang till riksdagens protokoll 1930. 1 saml. 16 häft. (Nr 19) 28 pages.)

2760. *Kungl. Maj:ts proposition till riksdagen angående godkännande av ett i Genève den 14 september 1929 dagtecknat protokoll rörande Amerikas Förenta Staters anslutning till signaturprotokollet an-*

gående stadgan för den fasta mellanfolkliga domstolen; given Stockholms slott den 16 januari 1930.

Bilaga. Amerikas Förenta Staters anslutning till signaturprotokollet till stadgan för den fasta mellanfolkliga domstolen. Protocole.... Protocol.... (Översättning.) Protokoll.... (Bihang till riksdagens protokoll 1930. I saml. 16 häft. (Nr 20.) pages 29-45.)

SUISSE. — SWITZERLAND.

2761. *Message: [n° 2536] du Conseil fédéral à l'Assemblée fédérale concernant la revision du Statut de la Cour permanente de Justice internationale. (Du 27 décembre 1929.) (Projet.) Arrêté fédéral approuvant le protocole, du 14 septembre 1929, relatif à la revision du Statut.... Statut de la Cour.... Amendements proposés par le Comité de Juristes. — Protocole, du 14 septembre 1929, relatif à la revision.... Annexe: Amendements au Statut.... 48 pages. (Voir aussi Feuille fédérale, 81^{me} année, vol. III, 1929, pages 1007-1054.)*
2762. *Botschaft [Nr. 2536] des Bundesrates an die Bundesversammlung betreffend die Revision des Statuts des Ständigen Internationalen Gerichtshofes. (Vom 27. Dezember 1929.) (Entwurf.) Bundesbeschluss betreffend die Genehmigung des Protokolls vom 14. September 1929.... Statut des Ständigen Internationalen Gerichtshofes. — Abänderungsvorschläge des Juristenkomitees. — Protokoll vom 14. September 1929.... Beilage: Abänderungen des Statuts.... 50 pages.*
2763. *Arrêté fédéral approuvant le protocole, du 14 septembre 1929, relatif à la revision du Statut de la Cour permanente de Justice internationale. (Du 15 mars 1930.) Protocole.... Annexe au Protocole.... (Feuille fédérale, 82^{me} année, vol. I, 1930, 19 mars, pages 223-234.)*
2764. *Message [n° 2535] du Conseil fédéral à l'Assemblée fédérale concernant l'adhésion des États-Unis d'Amérique au Statut de la Cour permanente de Justice internationale. (Du 20 décembre 1929.) (Projet.) Arrêté fédéral approuvant le protocole du 14 septembre 1929.... Protocole relatif à l'adhésion.... 19 pages. (Voir aussi Feuille fédérale, 81^{me} année, vol. III, 1929, pages 1055-1073.)*
2765. *Botschaft [Nr. 2535] des Bundesrates an die Bundesversammlung betreffend den Beitritt der Vereinigten Staaten von Amerika zum Statut des Ständigen Internationalen Gerichtshofes. (Vom 20. Dezember 1929.) (Entwurf.) Bundesbeschluss betreffend die Genehmigung des Protokolls vom 14. September 1929.... Protokoll betreffend den Beitritt.... 20 pages.*

2766. *Arrêté fédéral approuvant le protocole, du 14 septembre 1929, relatif à l'adhésion des États-Unis d'Amérique au protocole de signature du Statut de la Cour permanente de Justice internationale.* (Du 15 mars 1930.) Protocole... (Feuille fédérale, 82^{me} année, vol. I, 1930, 19 mars, pages 235-241.)

4. THE ELECTION OF JUDGES. BIOGRAPHIES OF JUDGES.

(See Second Annual Report, pp. 260-261,
Third Annual Report, pp. 270-271,
Fourth Annual Report, p. 348,
and Fifth Annual Report, pp. 315-317.)

2767. *Dispositions du Statut de la Cour permanente de Justice internationale relatives à l'élection des Membres de la Cour. Mémoire préparé par le Secrétaire général à l'usage des Membres des Groupes nationaux.* Société des Nations. N° officiel : Annexe à M. L. 3 et 3 (a). 1930. V. Genève, le 15 mars 1930. In-f°, 9 pages.

2768. *Provisions of the Statute of the Permanent Court of International Justice relating to the election of the Members of the Court. Memorandum prepared by the Secretary General for the use of the Members of the National groups.* League of Nations. Official No. : Annex to M. L. 3 and 3 (a). 1930. V. Geneva, March 15th, 1929. In-f°, 9 pages.

2769. *Élection des Membres de la Cour permanente de Justice internationale. Note du Secrétaire général concernant les dispositions pertinentes du Statut de la Cour et la procédure à suivre pour l'élection des Membres de la Cour.* Société des Nations. N° officiel : A. 14. 1930. V. Genève, le 16 juin 1930. Série de Publications de la Société des Nations. V. Questions juridiques. 1930. V. 13. In-f°, 12 pages.

2770. *Election of Members of the Permanent Court of International Justice. Note by the Secretary-General concerning the relevant provisions of the Court's Statute and the procedure for the election of the Members of the Court.* League of Nations. Official No. : A. 14. 1930. V. Geneva, June 16th, 1930. Series of League of Nations Publications, V. Legal, 1930, V. 13. In-f°, 12 pages.

2771. PHILIPSE (A. H.), *La Cour permanente de Justice internationale et les élections de 1930.* (Revue de Droit international et de Législation comparée, 3^{me} série, tome XI, 57^{me} année, 1930, n° 1, pages 247-262.)

2772. R. W. BOYDEN *named to succeed CHARLES E. HUGHES resigned as member.* (Commercial and Financial Chronicle, Vol. 130, 1930, April 26, p. 2886.)

2773. JESSUP (PHILIP C.), *Election of Judges for the World Court*. (League of Nations News, Vol. 6, 1929, Oct., p. 5.)
2774. *Justice HUGHES' resignation*. (League of Nations News, Vol. 7, 1930, March, p. 10.)
2775. 15 *new Judges*. (League of Nations News, Vol. 7, 1930, April, pages 10-11.)
2776. [RAALTE E. VAN], *De Nederlandsche Candidaatstelling voor het Permanente Hof van Internationale Justitie*. (De Volkenbond, 6^e jaargang, No. 9-10, 1930, Juni-Juli, pages 358-359.)
2777. *A la Cour de La Haye. [Élection de deux nouveaux juges titulaires du Tribunal de La Haye.]* (La Paix par le Droit, 39^{me} année, n^o 10, 1929, octobre, pages 382-384.)
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2778. H[URST] (C. J. B.), *Viscount FINLAY OF NAIRN*. (The British Year Book of international law, X, 1929, pages 190-197.)
2779. HYDE (CHARLES CHENEY), *Biography of CHARLES EVANS HUGHES as Secretary of State of the United States*. (The American Secretaries of State and their diplomacy, Vol. X, pp. 221-401, Appendix and notes, *Ibidem*, pp. 431-463.)
2780. Mr. B. C. J. LODER, *door de Redactie*. (De Volkenbond, 4^e jaarg., No. 10, 1929, Aug.-Sept., pages 297-299.)
2781. NIBOYET (J.-P.), *Trois jurisconsultes. Antoine Pillet † 1926, ANDRÉ WEISS † 1928, Camille Jordan † 1929*. (Revue de Droit international privé, XXIV, 1929, n^o 4, pages 577-591.)
2782. *Les Œuvres et les Hommes. Un grand Juge international. Lord FINLAY. In Memoriam. Discours de D. ANZILOTTI. Copie de l'éditorial du « Times », du 17 mai 1929, intitulé: Another session of the World Court*. (Revue de Droit international [Rédacteurs: N. POLITIS et A. DE LAPRADELLE], n^o 10, 3^{me} année, n^o 2, 1929, avril-mai-juin, pages 301-307.)

5. INAUGURATION OF THE COURT.

(See Second Annual Report, pp. 261-262,
and Third Annual Report, p. 271.)

6. PREPARATION OF THE RULES OF COURT. PROCEDURE.
TEXTS OF THE RULES AND OF THE REVISED RULES OF COURT.

A.—*Official Documents.*

(See Second Annual Report, p. 262,
Third Annual Report, p. 271,
and Fourth Annual Report, pp. 348-349.)

B.—*Unofficial Publications.*

(See Second Annual Report, pp. 262-263,
Third Annual Report, p. 272,
Fourth Annual Report, p. 349,
and Fifth Annual Report, pp. 317-318.)

2783. ANZILOTTI (D.), *La riconvenzione nella procedura internazionale*. (Rivista di Diritto internazionale, Anno XXI, Serie III: Vol. IV, 1929, Fasc. III, 1° luglio-30 settembre, pages 309-327.)

2784. ANZILOTTI (D.), *La riconvenzione nella procedura internazionale*. (Scritti della Facoltà giuridica di Roma in onore di ANTONIO SALANDRA. Milano, Vallardi, 1928, pp. 341-360.)

2785. HUGHES (CHARLES E.), *The organization and methods of the Permanent Court of International Justice*. (Address before the Association of the Bar of the City of New York, January 16, 1930. In-8°, 20 pages.)

2786. ROUCEK (JOSEPH S.), *Procedure in minority complaints*. (The American Journal of International Law, Vol. 23, No. 3, 1929, July, pages 538-551.) [Procedure of the Permanent Court of International Justice, pages 546-551.]

2787. TÉNÉKIDÈS (G.), *L'exception de litispendance devant les organismes internationaux*. (Revue générale de Droit international public, 36^{me} année, 3^{me} série, tome III, nos 4-5, 1929, juillet-octobre, pages 502-527.)

2788. *Règlement de la Cour permanente de Justice internationale révisé; adopté par la Cour le 31 juillet 1926 et amendé le 7 septembre 1927*. (Nouveau Recueil général de traités..., continuation du grand Recueil de G. FR. DE MARTENS, par HEINRICH TRIEPEL, 3^{me} série, tome XXI, pages 374-393.)

7. JURISDICTION AND EXTENSION OF JURISDICTION OF THE COURT ¹.A.—*Official Documents.*

(See Second Annual Report, p. 263,
Third Annual Report, p. 272,
Fourth Annual Report, p. 349,
and Fifth Annual Report, p. 318.)

2789. *Quatrième Addendum à la troisième édition de la Collection des Textes gouvernant la compétence de la Cour.* (Chapitre X du Sixième Rapport annuel de la Cour permanente de Justice internationale.)

2790. *Fourth Addendum to the Third edition of the Collection of Texts governing the jurisdiction of the Court.* (Chapter X of the Sixth Annual Report of the Permanent Court of International Justice.)

2791. *Proposition finlandaise tendant à conférer à la Cour permanente de Justice internationale la qualité d'une Instance de recours par rapport aux Tribunaux arbitraux institués par les divers États. Rapport du Comité nommé par le Conseil.* Société des Nations. N° officiel: C. 338. M. 138. 1930. V. Genève, le 7 juin 1930. Série de Publications de la Société des Nations. V. Questions juridiques. 1930. V. 12. In-f°, 7 pages.

2792. *Proposal of the Government of Finland to confer on the Permanent Court of International Justice Jurisdiction as a Tribunal of Appeal in respect of Arbitral Tribunals established by States. Report of the Committee appointed by the Council.* League of Nations. Official No. C. 338. M. 138. 1930. V. Geneva, June 7th, 1930. Series of League of Nations Publications. V. Legal. 1930. V. 12. In-f°, 7 pages.

B.—*Unofficial Publications.*

(See Second Annual Report, pp. 263-264,
Third Annual Report, p. 272,
Fourth Annual Report, pp. 349-351,
and Fifth Annual Report, pp. 319-320.)

2793. *Compétence (La) de la Cour permanente de Justice internationale. Données statistiques.* (Revue de Droit international et de Législation comparée, 3^{me} série, tome XI, 57^{me} année, 1930, n° 1, pages 272-276.)

¹ See also Nos. 2887-2939 of this list.

2794. ERICH (RAFAEL), *Den Fasta Mellanfolkliga Domstolen såsom överordnad instans*. (Nordisk Tidsskrift for International Ret.—Acta Scandinavica juris gentium, vol. I, 1930, fasc. I, pages 3-16.)
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2796. *Extension (L') de l'arbitrage obligatoire et la compétence obligatoire de la Cour permanente de Justice internationale*. Rapport de M. EUGÈNE BOREL. Observations de M. HENRI ROLIN. (Annuaire de l'Institut de Droit international, 35, vol. I, 1929, Session de New-York, octobre 1929, pages 499-504.) Délibérations en séance plénière. (*Ibidem*, vol. II, pages 170-183.) Résolution. (*Ibidem*, vol. II, pages 303-304.)
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2839. FACHIRI (ALEXANDER P.), *Judgments and advisory opinions of the Permanent Court of International Justice. Judgment No. 11. Delivered December 16, 1927. Interpretation of Judgments Nos. 7 and 8, concerning the case of the Chorzów Factory.— Judgment No. 12. Delivered April 26, 1928. Rights of Minorities in Upper Silesia (Minority Schools). Judgment No. 13. Delivered September 13, 1928. The factory at Chorzów: Claim for Indemnity (Merits).—Advisory Opinion No. 15. Delivered March 3, 1928. Jurisdiction of the Court of Danzig.—Advisory opinion No. 16. Delivered August 28, 1928. Interpretation of the Greco-Turkish Agreement of December 1, 1926.*
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- 2839 bis. JOACHIM (VÁCLAV), *Spor o Javorinu s hlediska právního.* Predneseno v Právnické Jednotě v Praze dne 11. prosince 1924. Otisk ze Slovníku veřejného práva československého, svazek II. V Praze 1929. In-8°, 8 pages. [In Czech.]
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3029. *Department of State. For the Press. December 5, 1929. Confidential release for publication in the morning newspapers of Monday, December 9th, 1929.*
The Chargé d'affaires *ad interim* of the United States at Berne,

¹ See also Nos. 2672-2688, 2690, 2695, 2704-2707, 2709-2721, 2744-2745, 2747-2748, 2750-2753 and 2755-2766 of this list.

Mr. JAY PIERREPONT MOFFAT, has been authorized by the President and will sign today (December 9, 1929), on behalf of the United States :

1. The Protocol of signature of the Statute of the Permanent Court of International Justice.
2. The Protocol of Accession of the United States to the Protocol of signature of the Statute of the Permanent Court of International Justice ; and
3. The Protocol of Revision of the Statute of the Permanent Court of International Justice.

Attached is the exchange of correspondence between the President and the Secretary of State on the subject, which is self-explanatory. In-f^o, 10 pages. [Mimeographed.]

3030. *Publications of the Department of State. Press Releases. Weekly Issue No. 11. Saturday, December 14, 1929. Publication No. 24.* [Voir les pages 102-112 : Permanent Court of International Justice. The Chargé d'affaires *ad interim* of the United States.... (See the preceding number of this list.) The following is the exchange of correspondence.... (See the preceding number.)]

3031. *Signing of Protocol to World Court authorized in name of United States.* [Attached is the exchange of correspondence between the President and the Secretary of State on the subject. 1: From the President to the Secretary of State, Nov. 26, 1929. 2: From the Secretary of State to the President, Nov. 18, 1929.] (The United States Daily, Vol. IV, No. 237, December 9, 1929, pages 1 and 11.)

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3041. *Fifty nations sign ROOT court plan*. (Commercial and Financial Chronicle, Vol. 129, 1929, Oct. 5, p. 2162.)
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- Workers' delegate*. see *Nomination of—for the Netherlands at the third Session of the International Labour Conference*.

- Works of various kinds containing chapters on the Court* **2** : 870-1063. **3** : 1572-1687. **4** : 2079-2188. **5** : 2466-2554. **6** : 2940-3025.
- Works on the Court in general* **2** : 763-780. **3** : 1502-1506. **4** : 2045-2078. **5** : 2432-2436. **6** : 2907-2909.
- World Court*, see *Permanent Court*.
- World War*, Draft plans published during the— **2** : 35-71. **4** : 1853-1859. **6** : 2669.
- Year books* **2** : 1055-1063. **3** : 1686-1687. **4** : 2184-2188. **5** : 2551-2554. **6** : 3021-3025.

CHAPTER X.

FOURTH ADDENDUM

TO THE

THIRD EDITION OF THE COLLECTION OF TEXTS
GOVERNING THE JURISDICTION OF THE COURT¹.

The third edition of the *Collection of Texts governing the jurisdiction of the Court* which appeared on December 15th, 1926, and which contains the extracts affecting the Court taken from all the international instruments which had come to the knowledge of the Registry on that date, has already been supplemented by three addenda. These constitute Chapter X of the Third, Fourth and Fifth Annual Reports respectively. The first addendum contains all information on the subject communicated to the Registry or collected by it between December 15th, 1926, and June 15th, 1927; the second covers the period June 15th, 1927, to June 15th, 1928, and the third the period June 15th, 1928, to June 15th, 1929.

Below is given, in the form of Chapter X of the present Report, and under the heading *Fourth Addendum*, information obtained between June 15th, 1929, and June 15th, 1930.

Like Chapter X of the Third, Fourth and Fifth Annual Reports, the plan of which it follows, the present Chapter is therefore intended to complete the third edition of the *Collection*. It is divided into two sections. The first comprises modifications and additions affecting the texts given in the third edition of the *Collection* and in the first, second and third addenda and arising amongst other things from new signatures, ratifications, etc. The serial numbers refer to the *Collection* and its addenda (Nos. 1-169 to the *Collection*; Nos. 170-202 to the first addendum; Nos. 203-250 to the second addendum, and Nos. 251-285 to the third addendum). The second section comprises new international instruments concluded or made public since the third addendum appeared, i.e. since June 15th, 1929. They are arranged in chronological order and begin with No. 286 (the last instrument given in the third addendum being No. 285).

¹ Publications of the Court, Series D., No. 5.

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 sources¹.

¹ See p. 103 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.

9.

PROTOCOL OF SIGNATURE OF THE STATUTE OF THE COURT
AND OPTIONAL CLAUSE.

List of signatories and ratifications.

States.	PROTOCOL OF SIGNATURE.	OPTIONAL CLAUSE ¹ .		
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any ²).
Albania	July 13th, 1921			
America (United States of—)				
Australia	Aug. 4th, 1921	Sept. 20th, 1929	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;	

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.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Australia (cont.)			—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 Australia. The right is reserved in respect of any disputes considered by the Council to suspend judicial proceedings under certain conditions.	
Austria	July 23rd, 1921	March 14th, 1922 <i>Renewed</i> on Jan. 12th, 1927	Reciprocity. 5 years. Ratification. Reciprocity. 10 years (from the date of the deposit of the instrument of ratification).	March 13th, 1927
Belgium	Aug. 29th, 1921	Sept. 25th, 1925	Ratification. Reciprocity. 15 years. For any dispute arising after ratification with regard to situations or facts subsequent to such ratification. Except in cases where the Parties may have agreed or may agree to have recourse to some other method of pacific settlement.	March 10th, 1926

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Bolivia Brazil	Nov. 1st, 1921	Nov. 1st, 1921 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	Aug. 12th, 1921	(1921) ³	Reciprocity.	Aug. 12th, 1921
Canada	Aug. 4th, 1921	Sept. 20th, 1929	(See, mutatis mutandis, the conditions stipulated by Australia.)	July 28th, 1930
Chile	July 20th, 1928			
China	May 13th, 1922	May 13th, 1922	Reciprocity. 5 years.	
Colombia Costa Rica		(Before January 28th, 1921) ⁴	Reciprocity.	
Cuba	Jan. 12th, 1922			
Czechoslovakia	Sept. 2nd, 1921	Sept. 19th, 1929	Ratification. Reciprocity. 10 years (as from the date of	

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.

⁴ 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.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Czechoslovakia (cont.)			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	June 13th, 1921	(Before January 28th, 1921) ¹ <i>Renewed on</i> Dec. 11th, 1925	Ratification. Reciprocity. 5 years. Ratification. Reciprocity. 10 years (from June 13th, 1926).	June 13th, 1921 March 28th, 1926
Dominican Republic		Sept. 30th, 1924	Ratification. Reciprocity.	
Esthonia	May 2nd, 1923	May 2nd, 1923	Reciprocity. 5 years. For any future dispute in regard to which the Parties have not agreed to have recourse to some other method of pacific settlement.	

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

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Esthonia (cont.)		<i>Renewed on</i> June 25th, 1928 ¹	Extension for a period of 10 years as from May 2nd, 1928.	
Ethiopia	July 16th, 1926	July 12th, 1926	Reciprocity. 5 years. Future disputes in regard to which the Parties may have agreed to have recourse to some other method of pacific settlement are excepted.	July 16th, 1926
Finland	April 6th, 1922	(1921) ²	Ratification. Reciprocity. 5 years. Reciprocity. 10 years (as from April 6th, 1927).	April 6th, 1922
France	Aug. 7th, 1921	Sept. 19th, 1929 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, para-	

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, and which was subject to ratification but had not been ratified.

PROTOCOL OF SIGNATURE

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
France (<i>cont.</i>)			graph 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.	
Germany	March 11th, 1927	Sept. 23rd, 1927	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 have recourse to another method of pacific settlement.	Feb. 29th, 1928
Great Britain	Aug. 4th, 1921	Sept. 19th, 1929	(<i>See, mutatis mutandis, the conditions stipulated by Australia.</i>)	Feb. 5th, 1930
Greece	Oct. 3rd, 1921	Sept. 12th, 1929	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;	

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Greece (<i>cont.</i>)			(b) disputes relating directly or indirectly to the application of treaties or conventions accepted by Greece and providing for another procedure.	
Guatemala		Dec. 17th, 1926	Ratification. Reciprocity.	
Haiti	Sept. 7th, 1921	(1921) ¹	(Without conditions.)	
Hungary	Nov. 20th, 1925	Sept. 14th, 1928	Ratification. Reciprocity. 5 years (from the date of the deposit of the instrument of ratification).	Aug. 13th, 1929
India	Aug. 4th, 1921	Sept. 19th, 1929	(See, mutatis mutandis, the conditions stipulated by Australia.)	Feb. 5th, 1930
Irish Free State ²	(Before Aug. 27th, 1926)	Sept. 14th, 1929	Ratification. Reciprocity. 20 years.	July 11th, 1930

¹ Declaration reproduced in the *Treaty Series* of the League of Nations, Vol. VI (1921), No. 170.

² In his circular letter No. 105, the Secretary-General of the League of Nations informed the governments of Members of the League that the Minister for Foreign Affairs of the Irish Free State had informed him by a letter dated August 21st, 1926, that the Irish Free State should be included amongst the Members of the League which had ratified the Protocol of Signature.

On October 12th, 1926, the Secretary-General informed the Registrar of the Court that the letter of August 21st above mentioned had been handed to him on August 26th by the representative of the Irish Free State accredited to the League of Nations, and that, since that date, the Irish Free State has been included on the Secretariat's list as bound by the Protocol of the Court.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Italy	June 20th, 1921	Sept. 9th, 1929	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.	
Japan	Nov. 16th, 1921			
Latvia	Feb. 12th, 1924	Sept. 10th, 1929 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.	Feb. 26th, 1930
Liberia		(1921) ²	Ratification. Reciprocity.	

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.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Lithuania	May 16th, 1922	Oct. 5th, 1921	5 years.	May 16th, 1922
Luxemburg		<i>Renewed</i> on Jan. 14th, 1930 (1921) ¹	5 years (as from Jan. 14th, 1930). Ratification. Reciprocity. 5 years.	
Netherlands	Aug. 6th, 1921	Aug. 6th, 1921	Reciprocity. 5 years. For any future dispute in regard to which the Parties have not agreed to have recourse to some other method of pacific settlement.	
		<i>Renewed</i> on Sept. 2nd, 1926	Reciprocity. 10 years (as from Aug. 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	Aug. 4th, 1921	Sept. 19th, 1929	(<i>See, mutatis mutandis, the conditions stipulated by Australia.</i>)	March 29th, 1930
Nicaragua		Sept. 24th, 1929	(Unconditionally.)	
Norway	Aug. 20th, 1921	Sept. 6th, 1921	Ratification. Reciprocity. 5 years.	Oct. 3rd, 1921
		<i>Renewed</i> on Sept. 22nd, 1926	Reciprocity. 10 years (from Oct. 3rd, 1926).	

¹ Declaration reproduced in the *Treaty Series* of the League of Nations, Vol. VI (1921), No. 170.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Panama Paraguay Persia Peru	June 14th, 1929	Oct. 25th, 1921 Sept. 19th, 1929	Reciprocity. 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.	June 14th, 1929
Poland Portugal	Aug. 26th, 1921 Oct. 8th, 1921	(Before January 28th, 1921) ¹	Reciprocity.	Oct. 8th, 1921
Roumania	Aug. 8th, 1921			
Salvador		(Before January 28th, 1921) ¹	Reciprocity.	
Siam	Feb. 27th, 1922	Sept. 20th, 1929	Ratification. Reciprocity. 10 years. For all disputes as to which no other means of pacific settlement is agreed upon between the Parties.	May 7th, 1930

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

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
South Africa	Aug. 4th, 1921	Sept. 19th, 1929	(See, mutatis mutandis, the conditions stipulated by Australia.)	April 7th, 1930
Spain	Aug. 30th, 1921	Sept. 21st, 1928	Reciprocity. 10 years. For any dispute arising after signature with regard to situations or facts subsequent to such signature; except in cases where the Parties may have agreed or may agree to have recourse to some other method of pacific settlement.	
Sweden	Feb. 21st, 1921	Aug. 16th, 1921 <i>Renewed on</i> March 18th, 1926	Reciprocity. 5 years. Reciprocity. 10 years (as from Aug. 16th, 1926).	
Switzerland	July 25th, 1921	(Before January 28th, 1921) ¹ <i>Renewed on</i> March 1st, 1926	Ratification. Reciprocity. 5 years. Ratification. Reciprocity. 10 years (as from deposit of instrument of ratification).	July 25th, 1921 July 24th, 1926
Uruguay	Sept. 27th, 1921	(Before January 28th, 1921) ¹	Reciprocity.	Sept. 27th, 1921
Venezuela	Dec. 2nd, 1921			

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

PROTOCOL OF SIGNATURE

States.	PROTOCOL OF SIGNATURE.	OPTIONAL CLAUSE.		
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Yugoslavia	Aug. 12th, 1921	May 16th, 1930	<p>Ratification. Reciprocity (except in relation to any government not recognized by the Kingdom of Yugoslavia).</p> <p>5 years (as from deposit of instrument of ratification).</p> <p>For all disputes arising after ratification ;</p> <p>Except disputes relating to questions which, by international law, fall exclusively within the jurisdiction of Yugoslavia,</p> <p>And except in cases where the Parties have agreed or shall agree to have recourse to some other method of peaceful settlement.</p>	

10.

DECLARATIONS OF ACCEPTANCE OF THE OPTIONAL
CLAUSE CONCERNING THE COURT'S COMPULSORY
JURISDICTION(IN CHRONOLOGICAL ORDER OF SIGNATURES) ¹.LIST OF SIGNATORIES
(IN ALPHABETICAL ORDER) ².

	Pages		Pages
Australia	483	Ireland	478
Austria	472	Italy	477
„ ³	475	Latvia	477
Belgium	473	Liberia	470
Brazil	471	Lithuania	471
Bulgaria	470	„ ³	485
Canada	484	Luxemburg	469
China	472	Netherlands	469
Costa Rica	468	„ ³	474
Czechoslovakia	481	New Zealand	480
Denmark	468	Nicaragua	485
„ ³	473	Norway	470
Dominican Republic	472	„ ³	474
Estonia	472	Panama	471
„ ³	476	Peru	482
Ethiopia	474	Portugal	468
Finland	469	Salvador	468
„ ³	475	Siam	483
France	478	Spain	476
Germany	475	Sweden	470
Great Britain	479	„ ³	473
Greece	478	Switzerland	468
Guatemala	475	„ ³	473
Haiti	470	Union of South Africa	480
Hungary	476	Uruguay	469
India	482	Yugoslavia	485

¹ In some cases the declarations of acceptance have not been dated. In such cases a note in italics, between brackets, placed after the signature of the declaration, gives an approximate indication based on the date on which the declaration was published for the first time in a document of the League of Nations (see also note 1, p. 455).

² Under this head are reproduced all declarations of acceptance made from 1920 until June 15th, 1930.

³ Renewal.

Portugal. [*Translation.*]

On behalf of Portugal, I recognize, in relation to any Member or State accepting the same obligation, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

(Signed) AFFONSO COSTA.

[Before January 28th, 1921.]

Switzerland. [*Translation.*]

On behalf of the Swiss Government and subject to ratification by the Federal Assembly, I recognize, in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention, for a period of five years.

(Signed) MOTTA.

[Before January 28th, 1921.]

Denmark. [*Translation.*]

On behalf of the Danish Government and subject to ratification, I recognize, in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention, for a period of five years.

(Signed) HERLUF ZAHLE.

[Before January 28th, 1921.]

Salvador.

On condition of reciprocity.

(Signed) J. GUSTAVO GUERRERO.

(„) ARTURO R. AVILA.

[Before January 28th, 1921.]

Costa Rica¹.

On condition of reciprocity.

(Signed) MANUEL M. DE PERALTA.

[Before January 28th, 1921.]

¹ 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.

Uruguay. [*Translation.*]

On behalf of the Government of Uruguay, I recognize in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

(Signed) B. FERNANDEZ Y MEDINA.

[*Before January 28th, 1921.*]

Luxemburg. [*Translation.*]

On behalf of the Government of Luxemburg and subject to ratification, I recognize in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention, for a period of five years.

(Signed) LEFORT.

[1921.]

Finland. [*Translation.*]

On behalf of the Government of the Republic of Finland, and subject to ratification, I recognize in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention, for a period of five years.

(Signed) ENCKELL.

[1921.]

Netherlands.

The following declaration was made by the Netherlands Chargé d'affaires at the moment of the deposit of the deed of ratification of the Protocol of Signature of the Statute (August 6th, 1921) and is contained in the Procès-Verbal of Deposit of the deed.

[*Translation.*]

“On behalf of the Government of the Netherlands, I recognize in relation to any other Member or State which accepts the same obligation, that is to say, on the condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention, in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years, in respect of any future dispute in regard to which the Parties have not agreed to have recourse to some other means of friendly settlement.”

(Signed) MOSSELMANS,

Chargé d'affaires a. i. of the Netherlands.

Certified true copy :

(Signed) D. ANZILOTTI.

Liberia. [*Translation.*]

On behalf of the Government of the Republic of Liberia and subject to ratification by the Liberian Senate, I recognize in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention.

(Signed) LEHMANN.

[1921.]

Bulgaria. [*Translation.*]

On behalf of the Government of the Kingdom of Bulgaria, I recognize in relation to any other Member or State which accepts the same obligation, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention, unconditionally.

(Signed) POMENOV.

[1921.]

Sweden. [*Translation.*]

On behalf of the Government of His Majesty the King of Sweden, I recognize, in relation to any other Member or State which accepts the same obligation, that is to say, on the condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention, for a period of five years.

Geneva, August 16th, 1921.

(Signed) P. DE ADLERCREUTZ.

Norway. [*Translation.*]

On behalf of the Government of His Majesty the King of Norway, and subject to ratification, I recognize in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention, for a period of five years.

September 6th, 1921.

(Signed) FRIDTJOF NANSEN.

Haiti. [*Translation.*]

On behalf of the Republic of Haiti, I recognize the jurisdiction of the Permanent Court of International Justice as compulsory.

(Signed) F. ADDOR,
Consul.

[1921.]

Lithuania.

For a period of five years.

October 5th, 1921.
(Signed) GALVANAUSKAS.

Panama.

The following declaration was transmitted by M. R. A. Amador, Chargé d'affaires of the Republic of Panama at Paris, in a letter dated October 25th, 1921, addressed to Sir Eric Drummond, Secretary-General of the League of Nations.

[Translation.]

“On behalf of the Government of Panama, I recognize in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention.”

(Signed) R. A. AMADOR,
Chargé d'affaires.

Certified true copy :
(Signed) D. ANZILOTTI.

Brazil.

The instrument of ratification deposited on November 1st, 1921, with the Permanent Secretariat of the League of Nations by the Brazilian Government contains the following passage :

“.... declarando aceitar, de accôrdo com a mesma resolução do Poder Legislativo Nacional, a jurisdicção obrigatoria da referida Côte, pelo prazo de cinco annos, sob condiçao de reciprocidade e desde que tamben a acceitem, pelo menos, duas das Potencias com assento permanente no Conselho Executivo da Liga das Nações.”

Certified true copy :
(Signed) D. ANZILOTTI.

[Translation.]

“.... we declare to recognize as compulsory, in accordance with the said resolution of the National Legislature, the jurisdiction of the said Court for the period of five years, on condition of reciprocity, and as soon as it has likewise been recognized as such by two at least of the Powers permanently represented on the Council of the League of Nations¹.”

¹ Germany and Great Britain—Powers permanently represented on the Council of the League of Nations—are bound by the clause, the first since February 29th, 1928, and the second since February 5th, 1930.

Austria. [*Translation.*]

On behalf of the Austrian Republic, I declare that the latter recognizes in relation to any other Member or State which accepts the same obligation, that is to say, on the condition of reciprocity, the jurisdiction of the Permanent Court as compulsory, *ipso facto* and without any special convention, for a period of five years.

March 14th, 1922.

(Signed) EMERICH PFLÜGL.

China. [*Translation.*]

The Chinese Government recognizes as compulsory *ipso facto* and without special convention, in relation to any Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years.

May 13th, 1922.

(Signed) TS. F. TANG.

Dominican Republic. [*Translation.*]

On behalf of the Government of the Dominican Republic and subject to ratification, I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory *ipso facto* and without special convention.

Geneva, September 30th, 1924.

(Signed) JACINTO R. DE CASTRO.

Esthonia.

One of the instruments of ratification deposited with the Secretariat of the League of Nations on May 2nd, 1923, by the Esthonian Government contains the following passage:

[*Translation.*]

“The Esthonian Republic declares to recognize as compulsory *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court, in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years, in any future dispute in respect of which the Parties have not agreed to have recourse to another method of pacific settlement.”

Certified true copy:

(Signed) VAN HAMEL.

Belgium. [*Translation.*]

On behalf of the Belgian Government, I recognize as compulsory, *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of fifteen years, in any disputes arising after the ratification of the present declaration with regard to situations or facts subsequent to this ratification, except in cases where the Parties have agreed or shall agree to have recourse to another method of pacific settlement.

Geneva, September 25th, 1925.

(Signed) P. HYMANS.

Denmark (Renewal)¹. [*Translation.*]

On behalf of the Government of Denmark and subject to ratification I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention, for a further period of ten years.

Geneva, December 11th, 1925.

(Signed) A. OLDENBURG.

Switzerland (Renewal). [*Translation.*]

On behalf of the Swiss Confederation and subject to ratification, the undersigned recognizes, in relation to any other Member of the League of Nations or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention, for a period of ten years to be reckoned as from the deposit of the instrument of ratification.

Geneva, March 1st, 1926.

(Signed) MOTTA.

Sweden (Renewal). [*Translation.*]

On behalf of the Royal Swedish Government, I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory *ipso facto* and

¹ According to a *note verbale* of the Danish Legation at Berne to the Secretary-General of the League of Nations, the new period of ten years begins as from June 13th, 1926.

without special convention, for a period of ten years to be reckoned from the date on which the Swedish Declaration of August 16th, 1921, ceases to be in force.

Geneva, March 18th, 1926.

(Signed) EINAR HENNINGS.

Ethiopia. [*Translation.*]

The undersigned declares, in the name of the Imperial Government of Ethiopia, to recognize as compulsory *ipso facto* and without special agreement in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court, in conformity with Article 36, paragraph 2, of the Statute, for a period of five years, except in future disputes where the Parties have agreed or shall agree to have recourse to another method of pacific settlement.

Geneva, July 12th, 1926.

(Signed) LAGARDE, duc D'ENTOTTO.

Netherlands (Renewal). [*Translation.*]

On behalf of the Netherlands Government, I recognize as compulsory, *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court, in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of ten years as from August 6th, 1926, for any future disputes, excepting those in regard to which the Parties have agreed, since the coming into force of the Statute of the Permanent Court of International Justice, to have recourse to another method of pacific settlement.

Geneva, September 2nd, 1926.

(Signed) W. DOUDE VAN TROOSTWYK.

Norway (Renewal). [*Translation.*]

On behalf of the Norwegian Government and without any reserve of ratification, I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention, for a period of ten years as from October 3rd, 1926.

Geneva, September 22nd, 1926.

(Signed) FRIDTJOF NANSEN.

Guatemala. [*Translation.*]

On behalf of the Republic of Guatemala, I accept, subject to ratification and on the sole condition of reciprocity, the jurisdiction of the Court in all classes of legal disputes concerning:

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

Geneva, December 17th, 1926.

(Signed) F. A. FIGUEROA.

Austria (Renewal). [*Translation.*]

On behalf of the Austrian Republic and subject to ratification, the undersigned recognizes in relation to any other Member of the League of Nations or State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court as compulsory *ipso facto* and without special convention, for a further period of ten years, from the date of deposit of the instrument of ratification.

Geneva, January 12th, 1927.

(Signed) EMERICH PFLÜGL.

Finland (Renewal). [*Translation.*]

On behalf of the Government of the Republic of Finland and as from April 6th, 1927, I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory *ipso facto* and without any special convention, for a period of ten years.

Geneva, March 3rd, 1927.

(Signed) R. ERICH.

Germany. [*Translation.*]

On behalf of the German Government, I recognize as compulsory, *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court for a period of five years in any disputes arising after the ratification of the present declaration with regard to situations or facts subsequent to this ratification, except in cases where

the Parties have agreed or shall agree to have recourse to another method of pacific settlement.

Geneva, September 23rd, 1927.

(Signed) STRESEMANN.

Esthonia (Renewal).

The declaration of renewal notified to the Secretary-General of the League of Nations by a letter from the Esthonian Minister for Foreign Affairs dated Tallinn, June 25th, 1928, contains the following passage :

[Translation.]

"... I have the honour to inform you, on behalf of the Government of the Republic, that the above declaration¹ recognizing as regards Esthonia the compulsory jurisdiction of the Permanent Court of International Justice, in conformity with Article 36 of the Statute, is deemed to be renewed for a period of ten years as from May 2nd, 1928."

Hungary. [Translation.]

On behalf of the Royal Hungarian Government, and subject to ratification, I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory *ipso facto* and without special convention, in conformity with Article 36, paragraph 2, of the Statute, for a period of five years to be reckoned as from the deposit of the instrument of ratification.

Geneva, September 14th, 1928.

(Signed) LOUIS WALKÓ.

Spain. [Translation.]

On behalf of the Government of His Majesty the King of Spain, I recognize as compulsory *ipso facto* and without special agreement in relation to any other Member or State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court for a period of ten years, in any dispute arising after the signature of the present declaration with regard to situations or facts subsequent to this signature, except in cases where the Parties have agreed or shall agree to have recourse to another method of pacific settlement.

Geneva, September 21st, 1928.

(Signed) J. QUIÑONES DE LEÓN.

¹ This relates to the original declaration dated May 2nd, 1923, whereby the Esthonian Government subscribed to the Optional Clause (see above p. 472).

Italy. [*Translation.*]

The Italian Government declares to recognize as compulsory *ipso facto*, in relation to any other Member or State accepting the same obligation, and for a period of five years, subject to any other method of settlement provided by a special convention, and in any case where a solution through the diplomatic channel or further by the action of the Council of the League of Nations could not be reached, the jurisdiction of the Court on the following classes of legal disputes arising after the ratification of the present declaration, and 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.

Geneva, September 9th, 1929.

(Signed) VITTORIO SCIALOJA.

Latvia. [*Translation.*]

On behalf of the Latvian Government and subject to ratification by the Saeima, I recognize as compulsory, *ipso facto* and without special agreement in relation to any other Member or State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years, in any disputes arising after the ratification of the present declaration with regard to situations or facts subsequent to this ratification, except in cases where the Parties have agreed or shall agree to have recourse to another method of pacific settlement. This declaration replaces the declaration made on September 11th, 1923¹.

Geneva, September 10th, 1929.

(Signed) A. BALODIS.

¹ The declaration of September 11th, 1923, which was not ratified, was as follows:

“On behalf of the Latvian Government, and subject to ratification by the Saeima, I declare that I recognize as compulsory, *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years, in any future dispute in respect of which the Parties have not agreed to have recourse to another method of pacific settlement.”

Greece. [*Translation.*]

Duly authorized by the Hellenic Government, acting in virtue of special approval by the legislative power, I declare that I accept on behalf of Greece the Optional Clause provided in Article 36 of the Statute of the Permanent Court of International Justice, for a period of five years and on condition of reciprocity for all the classes of disputes mentioned in the said Article 36, with the exception of:

- (a) disputes relating to the territorial status of Greece, including disputes relating to 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.

This acceptance is effective as from the date of signature of the present declaration.

Geneva, September 12th, 1929.

(Signed) A. MICHALAKOPOULOS.

Irish Free State.

On behalf of the Irish Free State, I declare that I accept as compulsory *ipso facto* and without special convention the jurisdiction of the Court in conformity with Article 36 of the Statute of the Permanent Court of International Justice for a period of twenty years and on the sole condition of reciprocity. This declaration is subject to ratification.

Geneva, September 14th, 1929.

(Signed) P. MCGILLIGAN.

France. [*Translation.*]

On behalf of the Government of the French Republic and subject to ratification, I recognize as compulsory *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court, in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years, in any disputes arising after the ratification of the present declaration with regard to situations or facts subsequent to this ratification, and which could not have been settled by a procedure of conciliation or by the Council, according to the terms of Article 15, paragraph 6, of the Covenant, with reservation as to the case where the Parties have agreed or shall agree to have recourse to another method of settlement by

arbitration. This declaration replaces the declaration of October 2nd, 1924, which has now lapsed¹.

Geneva, September 19th, 1929.

(Signed) LOUCHEUR.

United Kingdom.

On behalf of His Majesty's Government in the United Kingdom and subject to ratification, I accept as compulsory *ipso facto* and without special convention on condition of reciprocity the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of ten years and thereafter until such time as notice may be given to terminate the acceptance, over all disputes arising after the ratification of the present declaration with regard to situations or facts subsequent to the said ratification:

other than disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement; and disputes with the government of any other Member of the League which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree; and disputes with regard to questions which by international law fall exclusively within the jurisdiction of the United Kingdom;

and subject to the conditions that His Majesty's Government reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the proceedings in the Court, and provided also that such

¹ The declaration of October 2nd, 1924, which was not ratified, was as follows:

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

suspension shall be limited to a period of twelve months or such longer period as may be agreed by the Parties to the dispute or determined by a decision of all the Members of the Council other than the Parties to the dispute.

Geneva, September 19th, 1929.

(Signed) ARTHUR HENDERSON.

Union of South Africa.

On behalf of His Majesty's Government in the Union of South Africa and subject to ratification, I accept as compulsory *ipso facto* and without special convention on condition of reciprocity the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of ten years and thereafter until such time as notice may be given to terminate the acceptance, over all disputes arising after the ratification of the present declaration with regard to situations or facts subsequent to the said ratification:

other than disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement; and

disputes with the government of any other Member of the League which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree; and

disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Union of South Africa;

and subject to the condition that His Majesty's Government in the Union of South Africa reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the proceedings in the Court, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the Parties to the dispute or determined by a decision of all the Members of the Council other than the Parties to the dispute.

Geneva, September 19th, 1929.

(Signed) ERIC H. LOUW.

New Zealand.

On behalf of His Majesty's Government in the Dominion of New Zealand and subject to ratification, I accept as compulsory *ipso facto* and without special convention on

condition of reciprocity the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of ten years and thereafter until such time as notice may be given to terminate the acceptance, over all disputes arising after the ratification of the present declaration with regard to situations or facts subsequent to the said ratification :

other than disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement ; and
disputes with the government of any other Member of the League which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree ; and
disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Dominion of New Zealand ;

and subject to the condition that His Majesty's Government in New Zealand reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the proceedings in the Court, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the Parties to the dispute or determined by a decision of all the Members of the Council other than the Parties to the dispute.

Geneva, September 19th, 1929.

(Signed) C. J. PARR.

Czechoslovakia. [*Translation.*]

On behalf of the Czechoslovak Republic and subject to ratification, I recognize as compulsory *ipso facto* and without special agreement in relation to any other Member of the League of Nations or State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court, in conformity with Article 36, paragraph 2, of its Statute, for a period of ten years from the date of the deposit of the instrument of ratification, in any dispute arising after the ratification of the present declaration with regard to situations or facts subsequent to this ratification, except in cases where the Parties have agreed or shall agree to have recourse to another method of pacific settlement, and subject

to the right, for either of the Parties to the dispute, to submit the dispute, before any recourse to the Court, to the Council of the League of Nations.

Geneva, September 19th, 1929.

(Signed) Dr. EDUARD BENES.

India.

On behalf of the Government of India and subject to ratification, I accept as compulsory *ipso facto* and without special convention on condition of reciprocity the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of ten years and thereafter until such time as notice may be given to terminate the acceptance, over all disputes arising after the ratification of the present declaration with regard to situations or facts subsequent to the said ratification :

other than disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement ; and disputes with the government of any other Member of the League which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree ; and disputes with regard to questions which by international law fall exclusively within the jurisdiction of India ;

and subject to the condition that the Government of India reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the proceedings in the Court, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the Parties to the dispute or determined by decision of all the Members of the Council other than the Parties to the dispute.

Geneva, September 19th, 1929.

(Signed) MD. HABIBULLAH.

Peru. [Translation.]

On behalf of the Republic of Peru and subject to ratification, I recognize as compulsory *ipso facto* without special agreement in relation to any other Member of the League of Nations or to any State accepting the same obligation,

the jurisdiction of the Court, in conformity with Article 36, paragraph 2, of its Statute, for a period of ten years from the date of deposit of the instrument of ratification, in any dispute arising with regard to situations and facts subsequent to that ratification, except in cases where the Parties have agreed either to have recourse to another method of settlement by arbitration, or to submit the dispute previously to the Council of the League of Nations.

Geneva, September 19th, 1929.

(Signed) M. H. CORNEJO.

Siam.

On behalf of the Siamese Government, I recognize, subject to ratification, in relation to any other Member or State which accepts the same obligation, that is to say, on the condition of reciprocity, the jurisdiction of the Court as compulsory *ipso facto* and without any special convention, in conformity with Article 36, paragraph 2, of the Statute of the Court for a period of ten years in all disputes, as to which no other means of pacific settlement is agreed upon between the Parties.

Geneva, September 20th, 1929.

(Signed) VARNAIDYA.

Australia.

On behalf of His Majesty's Government in the Commonwealth of Australia and subject to ratification, I accept as compulsory *ipso facto* and without special convention on condition of reciprocity the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of ten years and thereafter until such time as notice may be given to terminate the acceptance, over all disputes arising after the ratification of the present declaration with regard to situations or facts subsequent to the said ratification:

other than disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement; and

disputes with the government of any other Member of the League which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree; and

disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Commonwealth of Australia;

and subject to the condition that His Majesty's Government in the Commonwealth of Australia reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the proceedings in the Court, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the Parties to the dispute or determined by a decision of all the Members of the Council other than the Parties to the dispute.

Geneva, September 20th, 1929.

(Signed) GRANVILLE RYRIE.

Canada.

On behalf of His Majesty's Government in Canada and subject to ratification, I accept as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute, for a period of ten years and thereafter until such time as notice may be given to terminate the acceptance, in all disputes arising after ratification of the present declaration with regard to situations or facts subsequent to said ratification :

other than disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement ; and disputes with the government of any other Member of the League which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree ; and disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Dominion of Canada ;

and subject to the condition that His Majesty's Government in Canada reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the proceedings in the Court, and provided also that such suspension shall be limited to a period of

twelve months or such longer period as may be agreed by the Parties to the dispute or determined by a decision of all the Members of the Council other than the Parties to the dispute.

September 20th, 1929.
(Signed) R. DANDURAND.

Nicaragua. [*Translation.*]

On behalf of the Republic of Nicaragua I recognize as compulsory unconditionally the jurisdiction of the Permanent Court of International Justice.

Geneva, September 24th, 1929.
(Signed) T. F. MEDINA.

Lithuania (Renewal).

For a period of five years with effect as from January 14th, 1930.

(Signed) ZAUNIUS.
[January 14th, 1930.]

Yugoslavia. [*Translation.*]

On behalf of the Kingdom of Yugoslavia and subject to ratification, I recognize, as compulsory *ipso facto* and without special agreement, in relation to any other Member of the League of Nations, or State the government of which is recognized by the Kingdom of Yugoslavia, and accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Permanent Court of International Justice in conformity with Article 36 of its Statute, for a period of five years from the date of the deposit of the instrument of ratification, in any disputes arising after the ratification of the present declaration, except disputes with regard 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.

May 16th, 1930.
(Signed) Dr. V. MARINKOVITCH.

28.

CONVENTION
FIXING THE MINIMUM AGE FOR ADMISSION
OF CHILDREN TO EMPLOYMENT AT SEA
ADOPTED AT
GENOA
ON JULY 9th, 1920,
BY THE SECOND SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.):

Germany

June 11th, 1929.

29.

CONVENTION
CONCERNING UNEMPLOYMENT INDEMNITY IN CASE
OF LOSS OR FOUNDERING OF THE SHIP

ADOPTED AT

GENOA

ON JULY 9th, 1920,

BY THE SECOND SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.) :

Germany
Yugoslavia

March 4th, 1930.
September 30th, 1929.

30.

CONVENTION
FOR ESTABLISHING FACILITIES FOR FINDING
EMPLOYMENT FOR SEAMEN

ADOPTED AT

GENOA

ON JULY 10th, 1920,

BY THE SECOND SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.) :

Yugoslavia

September 30th, 1929.

39.

CONVENTION AND STATUTE ON FREEDOM OF TRANSIT
CONCLUDED AT
BARCELONA
ON APRIL 20th, 1921.

Adhesion (cont.) :

Iraq

March 1st, 1930.

Ratifications (cont.) :

Luxemburg

March 19th, 1930.

Spain

December 17th, 1929.

Yugoslavia

May 7th, 1930.

40.

CONVENTION AND STATUTE
ON THE RÉGIME OF NAVIGABLE WATERWAYS
OF INTERNATIONAL CONCERN

CONCLUDED AT
BARCELONA
ON APRIL 20th, 1921.

Ratification (cont.):

Luxemburg

March 19th, 1930.

46.

CONVENTION
CONCERNING THE COMPULSORY MEDICAL
EXAMINATION OF CHILDREN AND YOUNG PERSONS
EMPLOYED AT SEA

ADOPTED AT

GENEVA

ON NOVEMBER 11th, 1921,

BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.) :

Germany

June 11th, 1929.

47.

CONVENTION
FIXING THE MINIMUM AGE FOR THE ADMISSION
OF YOUNG PERSONS TO EMPLOYMENT AS TRIMMERS
OR STOKERS

ADOPTED AT

GENEVA

ON NOVEMBER 11th, 1921,

BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.):

Germany

June 11th, 1929.

48.
CONVENTION
CONCERNING WORKMEN'S COMPENSATION
IN AGRICULTURE
ADOPTED AT
GENEVA
ON NOVEMBER 12th, 1921,
BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.):

Latvia

November 29th, 1929.

49.

CONVENTION
CONCERNING THE RIGHTS OF ASSOCIATION
AND COMBINATION OF AGRICULTURAL WORKERS

ADOPTED AT

GENEVA

ON NOVEMBER 12th, 1921,
BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.) :

Norway
Yugoslavia

June 11th, 1929.
September 30th, 1929.

52.**CONVENTION
CONCERNING THE USE OF WHITE LEAD
IN PAINTING**

ADOPTED AT

GENEVA

ON NOVEMBER 19th, 1921,

BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.*Ratifications* (cont.) :Norway
YugoslaviaJune 11th, 1929.
September 30th, 1929.

84.

CONVENTION
FOR THE SUPPRESSION OF THE CIRCULATION
OF AND TRAFFIC IN OBSCENE PUBLICATIONS

SIGNED AT

GENEVA

ON SEPTEMBER 12th, 1923.

Adhesion (cont.) :

His Britannic Majesty,
for British Guiana

September 23rd, 1929

Ratifications (cont.) :

Denmark
Greece
Turkey

May 6th, 1930.
October 9th, 1929.
September 12th, 1929.

87.
INTERNATIONAL CONVENTION
RELATING TO
THE SIMPLIFICATION OF CUSTOMS FORMALITIES
CONCLUDED AT
GENEVA
ON NOVEMBER 3rd, 1923.

Adhesion (cont.) :

Esthonia

February 28th, 1930.

Ratification (cont.) :

Brazil

July 10th, 1929.

90.
CONVENTION AND STATUTE
ON THE
INTERNATIONAL RÉGIME OF RAILWAYS
CONCLUDED AT
GENEVA
ON DECEMBER 9th, 1923.

Ratifications (cont.) :

Esthonia	September 21st, 1929.
Spain	January 15th, 1930.
Yugoslavia	May 7th, 1930.

92.

CONVENTION
RELATING TO THE
TRANSMISSION IN TRANSIT OF ELECTRIC POWER
CONCLUDED AT
GENEVA
ON DECEMBER 9th, 1923.

Ratification (cont.) :

Spain

January 15th, 1930.

114.

CONVENTION OF ARBITRATION AND CONCILIATION
BETWEEN GERMANY AND SWEDEN

SIGNED AT

BERLIN

ON AUGUST 29th, 1924¹.-----
PROTOCOL²

MODIFYING THE ABOVE CONVENTION

signed at

BERLIN

on April 25th, 1929.

Ratifications: The exchange of ratifications took place at Stockholm on June 25th, 1929.

With a view to modifying the Convention of Arbitration and Conciliation between Germany and Sweden dated August 29th, 1924, in consequence of the declarations made by Germany and Sweden respecting Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice at The Hague, the undersigned Plenipotentiaries of the German Reich and the Kingdom of Sweden have agreed as follows:

ARTICLE I.

Article 4 of the Convention of August 29th, 1924, shall be deleted; the words in Article 2 "unless otherwise provided for in Articles 3 and 4" shall accordingly be replaced by "unless otherwise provided for in Article 3".

ARTICLE 2.

Article 8 of the Convention of August 29th, 1924, shall read as follows: "If the agreement of reference has not been established within a period of two months after one Party concerned has notified the other of its claim to refer the dispute to arbitration, or if the tribunal is not constituted within the same period, either Party may submit the dispute direct to the Permanent Court of International Justice at The Hague."

¹ *Collection of Texts governing the Jurisdiction of the Court* (Publications of the Court, Series D., No. 5), p. 239.

² *League of Nations, Treaty Series*, Vol. LXXXVIII (1929), p. 327.

131.

CONVENTION CONCERNING OPIUM

CONCLUDED AT

GENEVA

ON FEBRUARY 19th, 1925.

Adhesion (cont.):

Spain

April 19th, 1930.

Ratifications (cont.):

Denmark

April 23rd, 1930.

Germany

August 15th, 1929.

Greece

December 10th, 1929.

Italy

December 11th, 1929.

Siam

October 11th, 1929.

Venezuela

June 19th, 1929.

Yugoslavia

September 4th, 1929.

139.

CONVENTION
CONCERNING EQUALITY OF TREATMENT FOR NATIONAL
AND FOREIGN WORKERS AS REGARDS WORKMEN'S
COMPENSATION FOR ACCIDENTS

ADOPTED AT
GENEVA

ON JUNE 5th, 1925,
BY THE SEVENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Bulgaria
Estonia
Norway

September 5th, 1929.
April 14th, 1930.
June 11th, 1929.

140.

CONVENTION
CONCERNING NIGHT WORK IN BAKERIES
ADOPTED AT
GENEVA
ON JUNE 8th, 1925,
BY THE SEVENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Bulgaria
Esthonia

September 5th, 1929.
December 23rd, 1929.

142.

CONVENTION
CONCERNING WORKMEN'S COMPENSATION
FOR ACCIDENTS

ADOPTED AT

GENEVA

ON JUNE 10th, 1925,

BY THE SEVENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.):

Bulgaria

September 5th, 1929.

143.**CONVENTION
CONCERNING WORKMEN'S COMPENSATION
FOR OCCUPATIONAL DISEASES****ADOPTED AT
GENEVA****ON JUNE 10th, 1925,****BY THE SEVENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.***Ratifications* (cont.) :Bulgaria
Latvia
Norway
SwedenSeptember 5th, 1929.
November 29th, 1929.
June 11th, 1929.
October 15th, 1929.

166.

CONVENTION
CONCERNING THE SIMPLIFICATION OF THE INSPECTION
OF EMIGRANTS ON BOARD SHIP

ADOPTED AT

GENEVA

ON JUNE 5th, 1926,

BY THE EIGHTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.) :

Bulgaria
Sweden

November 29th, 1929.
October 15th, 1929.

167.CONVENTION
CONCERNING THE REPATRIATION OF SEAMEN

ADOPTED AT

GENEVA

ON JUNE 23rd, 1926,

BY THE NINTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.*Ratifications (cont.) :*

Bulgaria	November 29th, 1929.
Germany	March 14th, 1930.
Italy	October 10th, 1929.
Yugoslavia	September 30th, 1929.

168.

CONVENTION
CONCERNING SEAMEN'S ARTICLES OF AGREEMENT
ADOPTED AT
GENEVA
ON JUNE 24th, 1926,
BY THE NINTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.) :

Great Britain
Bulgaria
Italy
Yugoslavia

June 14th, 1929.
November 29th, 1929.
October 10th, 1929.
September 30th, 1929.

197.

SLAVERY CONVENTION

SIGNED AT

GENEVA

ON SEPTEMBER 25th, 1926.

Ratifications (cont.) :

Liberia

May 17th, 1930.

Yugoslavia

September 28th, 1929.

230.

CONVENTION CONCERNING THE APPLICATION
OF QUARANTINE REGULATIONS
BETWEEN BELGIUM AND THE NETHERLANDS

SIGNED AT
BRUSSELS

ON MARCH 24th, 1927.

Ratifications: The exchange of ratifications took place at
Brussels on October 22nd, 1928¹.

¹ *League of Nations, Treaty Series*, Vol. LXXXIV (1928-1929), p. 35.

234.**CONVENTION CONCERNING SICKNESS INSURANCE
FOR WORKERS IN INDUSTRY AND COMMERCE
AND DOMESTIC SERVANTS**

ADOPTED AT

GENEVA

ON JUNE 15th, 1927,

BY THE TENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.*Ratifications (cont.):*

Latvia	November 29th, 1929.
Roumania	June 28th, 1929.
Yugoslavia	September 30th, 1929.

237.INTERNATIONAL CONVENTION ESTABLISHING
AN INTERNATIONAL RELIEF UNION

CONCLUDED AT

GENEVA

ON JULY 12th, 1927.

Adhesions (cont.):Luxemburg
SwitzerlandJune 27th, 1929.
January 2nd, 1930.*Ratifications* (cont.):Albania
Germany
Saint-Marin
VenezuelaAugust 31st, 1929.
July 22nd, 1929.
August 12th, 1929.
June 19th, 1929.

242.

INTERNATIONAL CONVENTION FOR THE ABOLITION
OF IMPORT AND EXPORT PROHIBITIONS
AND RESTRICTIONS

CONCLUDED AT

GENEVA

ON NOVEMBER 8th, 1927.

Ratifications (cont.):

America (U.S. of—)	September 30th, 1929.
Austria	June 26th, 1929.
Denmark	September 9th, 1929.
Finland	September 6th, 1929.
France	July 31st, 1929.
Germany	November 23rd, 1929.
Hungary	July 26th, 1929.
Italy	September 30th, 1929.
Japan	September 28th, 1929.
Luxemburg	June 27th, 1929.
Netherlands	June 28th, 1929.
Portugal	September 30th, 1929.
Roumania	June 30th, 1929.
Sweden	August 8th, 1929.
Switzerland	June 27th, 1929.
Yugoslavia	September 30th, 1929.

246.

TREATY OF CONCILIATION AND ARBITRATION
BETWEEN FRANCE AND SWEDEN

SIGNED AT

PARIS

ON MARCH 3rd, 1928.

Ratifications: The exchange of ratifications took place at
Paris on September 3rd, 1929 ¹.

¹ *Sveriges överenskommelser med främmande makter*, 1929, No. 25.

261.TREATY OF ARBITRATION AND CONCILIATION
BETWEEN FRANCE AND THE NETHERLANDS

SIGNED AT

GENEVA

ON MARCH 10th, 1928¹.

Ratifications: The exchange of ratifications took place at
The Hague on May 10th, 1930.

¹ Communication from the Dutch Government.

264.

CONVENTION RELATING TO AIR NAVIGATION
BETWEEN AUSTRIA AND ITALY

SIGNED AT

ROME

ON MAY 11th, 1928.

Ratifications: The exchange of ratifications took place on
January 27th, 1930 ¹.

¹ Communication from the Austrian Government.

269.**CONVENTION
CONCERNING THE CREATION OF MINIMUM
WAGE-FIXING MACHINERY**

ADOPTED AT

GENEVA

ON JUNE 16th, 1928,

BY THE ELEVENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE ¹.*Ratifications (cont.) :*China
Great Britain
SpainMay 5th, 1930.
June 14th, 1929.
April 8th, 1930.

¹ The Convention came into force on May 30th, 1930.

270.

INTERNATIONAL AGREEMENT
RELATING TO THE
EXPORTATION OF HIDES AND SKINS

CONCLUDED AT
GENEVA
ON JULY 11th, 1928.

Ratifications (cont.) :

Austria	June 26th, 1929.
Czechoslovakia	June 28th, 1929.
Denmark	June 14th, 1929.
Finland	June 27th, 1929.
France	June 30th, 1929.
Germany	June 30th, 1929.
Hungary	July 26th, 1929.
Italy	June 29th, 1929.
Luxemburg	June 27th, 1929.
Netherlands	June 28th, 1929.
Roumania	June 30th, 1929.
Sweden	June 27th, 1929.
Switzerland	June 27th, 1929.
Yugoslavia	September 30th, 1929.

271.**INTERNATIONAL AGREEMENT
RELATING TO THE EXPORT OF BONES**

CONCLUDED AT

GENEVA

ON JULY 11th, 1928.

Ratifications (cont.) :

Austria	June 26th, 1929.
Czechoslovakia	June 28th, 1929.
Denmark	June 14th, 1929.
Finland	June 27th, 1929.
France	June 30th, 1929.
Germany	June 30th, 1929.
Hungary	July 26th, 1929.
Italy	June 29th, 1929.
Luxemburg	June 27th, 1929.
Netherlands	June 28th, 1929.
Roumania	June 30th, 1929.
Sweden	June 27th, 1929.
Switzerland	June 27th, 1929.
Yugoslavia	September 30th, 1929.

273.

CONVENTION OF COMMERCE AND NAVIGATION
BETWEEN DENMARK AND GREECE

SIGNED AT

BERLIN

ON AUGUST 22nd, 1928¹.

Ratifications : The exchange of ratifications took place at Berlin on August 28th, 1929. The Convention came into force on September 11th, 1929

¹ Communicated by the Danish Government.

277.

GENERAL ACT
FOR CONCILIATION, JUDICIAL SETTLEMENT
AND ARBITRATION

ADOPTED BY THE NINTH ASSEMBLY
OF THE LEAGUE OF NATIONS AT

GENEVA

ON SEPTEMBER 26th, 1928¹.

Adhesions (cont.):

Denmark (A) ²	April 14th, 1930.
Norway (B) ²	June 11th, 1929.

¹ *League of Nations, Treaty Series*, Vol. XCIII (1929), p. 343.

² Under Article 38 of the Act, contracting Parties may accede:

- "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)."

(See *Fifth Annual Report of the Court*, p. 475.)

279.

TREATY OF JUDICIAL SETTLEMENT AND CONCILIATION
BETWEEN THE NETHERLANDS AND SIAM

SIGNED AT

THE HAGUE

ON OCTOBER 27th, 1928¹.

Ratifications: The exchange of ratifications took place at
The Hague on June 28th, 1929.

¹ *League of Nations, Treaty Series*, Vol. XCIII (1929), p. 131.

283.

TREATY OF COMMERCE
BETWEEN AUSTRIA AND ESTHONIA

SIGNED AT

WARSAW

ON DECEMBER 11th, 1928¹.

Ratifications: The exchange of ratifications took place at
Warsaw on June 26th, 1929.

¹ *League of Nations, Treaty Series*, Vol. XCII (1929), p. 229.

284.

TREATY OF CONCILIATION AND ARBITRATION
BETWEEN FINLAND AND HUNGARY

SIGNED AT

BUDAPEST

ON DECEMBER 12th, 1928.

Ratifications: The exchange of ratifications took place at
Helsinki on August 19th, 1929¹.

¹ Communication from the Finnish and Hungarian Governments.

285.

INTERNATIONAL CONVENTION
FOR THE SUPPRESSION
OF COUNTERFEITING CURRENCY
CONCLUDED AT
GENEVA
ON APRIL 20th, 1929.

*Signatories*¹:

Albania
America (U.S. of—)
Austria
Belgium
Bulgaria
China
Colombia
Cuba
Czechoslovakia
Danzig (Free City of—)
Denmark
France
Germany
Great Britain and Northern Ireland
Greece
Hungary
India
Italy
Japan
Luxemburg
Monaco
Netherlands
Norway
Panama
Poland
Portugal
Roumania
Spain
Switzerland
Union of the Soviet Socialist Republics
Yugoslavia.

Ratification :

Spain

April 28th, 1930.

¹ *League of Nations Document C. 153 (1), M. 59 (1), 1929, II.*—Geneva, January 1st, 1930.

SECTION II.

286.

AGREEMENT
REGARDING THE EXECUTION OF ARTICLES 266
(LAST PARAGRAPH) AND 273 OF THE PEACE TREATY
OF SAINT-GERMAIN
BETWEEN AUSTRIA AND CZECHOSLOVAKIA

SIGNED AT

PRAGUE

ON DECEMBER 7th, 1925¹.

Ratifications: The exchange of ratifications took place at Vienna on January 8th, 1926.

ARTICLE XXIV.

1. Any disputes which may arise in connection with the execution of the present Agreement shall be settled amicably by the two contracting States. Should agreement, however, not be reached, the dispute shall be submitted to an arbitrator, whose decision shall be binding on both contracting States.

2. The arbitrator shall be appointed by agreement between the two contracting States; in the event of failure to agree on this appointment, the arbitrator shall be appointed by the Permanent Court of International Justice at The Hague.

¹ *League of Nations, Treaty Series*, Vol. LXXXVI (1929), p. 7.

287.

TREATY OF COMMERCE
BETWEEN HUNGARY AND YUGOSLAVIA

SIGNED AT

BELGRADE

ON JULY 24th, 1926 ¹.

Ratifications: The exchange of ratifications took place at Budapest on November 8th, 1929.

ARTICLE 20 ².

Should a dispute arise between the contracting Parties in regard to the application or interpretation of the provisions of the present Treaty, its annexes or protocols, such dispute shall be settled by reference to an arbitral tribunal.

The arbitral tribunal shall be constituted for each case in the following manner:

Each contracting Party shall appoint as arbitrators from amongst its nationals two competent persons and these shall agree upon the choice of an umpire, the national of a friendly State. The contracting Parties reserve the right to nominate beforehand and for a period to be fixed, the person who will, in the event of a dispute, act as umpire.

Should the contracting Parties fail to agree upon the choice of an umpire, the latter shall be appointed by the President of the Permanent Court of International Justice at The Hague.

¹ Communicated by the Hungarian Government.

² Translated by the Registry.

288.

TREATY OF COMMERCE AND NAVIGATION
BETWEEN ALBANIA AND GREECE

SIGNED AT

ATHENS

ON OCTOBER 13th, 1926¹.

Ratifications: The exchange of ratifications took place at Athens on November 10th, 1928.

ARTICLE 24.

Disputes which may arise regarding the interpretation or application of the present Treaty, including the Additional Protocol, and which it may not have been possible to settle in a reasonable space of time through the diplomatic channel, shall, on the request of one of the Parties alone, be submitted to an arbitral tribunal which shall be composed as a general rule of three members. Each of the contracting Parties shall appoint an arbitrator of its own choosing and the two Parties shall appoint an umpire by common agreement. If either Party so requests, the arbitral tribunal shall, however, consist of five members, the contracting Parties each appointing an arbitrator of its own choosing, and appointing the three others jointly; one of the latter shall be the umpire.

The umpire and arbitrators appointed jointly may not be nationals of the contracting States, nor be resident in their territory, nor employed in their service.

If the appointment of the umpire, or of the arbitrators to be selected jointly where such are required, or of the arbitrators freely selected by the Parties individually, is not made within four months after a request for arbitration has been notified, the umpire and arbitrators shall be appointed on the request of one of the Parties only by the President of the Permanent Court of International Justice, or, should the latter be a national of one of the contracting States, by the Vice-President, or if he is in the same position, by the oldest member of the Court.

¹ *League of Nations, Treaty Series*, Vol. LXXXIII (1928-1929), p. 325.

The tribunal shall meet at the place appointed by the umpire. It shall itself lay down its procedure. Its decisions shall be binding.

In the case of a difference of opinion on the question whether the dispute relates to the interpretation or the application of the Treaty, this prior question shall be submitted to arbitration under the same conditions as those laid down in paragraph 1 of this article.

289.

CONVENTION OF COMMERCE AND NAVIGATION
BETWEEN GREECE AND NORWAY

SIGNED AT

ATHENS

ON JUNE 29th, 1927¹.

Ratifications: The exchange of ratifications took place at Rome on November 14th, 1928.

ARTICLE 14.

The two contracting Parties agree to submit to arbitration any dispute concerning the interpretation or application of the provisions of the present Convention which may arise between them and which it has not been found possible to settle through the diplomatic channel.

Disputes thus submitted for arbitration shall be settled by the Permanent Court of International Justice established by the Protocol of December 16th, 1920.

¹ *League of Nations, Treaty Series*, Vol. LXXXII (1928-1929), p. 187.

290.

CONVENTION TO REGULATE
THE HYDRO-ELECTRIC DEVELOPMENT
OF THE INTERNATIONAL SECTION
OF THE RIVER DOURO
BETWEEN PORTUGAL AND SPAIN

SIGNED AT

LISBON

ON AUGUST 11th, 1927¹.

Ratifications: The exchange of ratifications took place at Lisbon on August 22nd, 1927

ARTICLE 21.

The decisions of the International Commission shall be taken by a majority vote.

Should the votes be equally divided, the question shall be submitted to a fresh vote at a subsequent meeting, and, if no agreement has been reached, the Commission shall bring the dispute before the two Governments.

Should the Governments not arrive at an agreement by direct negotiations, the question shall be submitted for decision to an arbitral tribunal, composed of the members of the International Commission themselves and presided over by an umpire.

If the dispute refers to a legal question, the umpire shall be a legal expert appointed by the Permanent Court of International Justice at The Hague; if the question is of a technical nature, the umpire shall be an engineer appointed by the Zurich Polytechnical Institute, in both cases at the request of the two Governments.

Should the two Governments not agree as to whether the dispute is of a legal or technical nature, this previous question shall be decided by the Hague Court itself.

¹ *League of Nations, Treaty Series*, Vol. LXXXII (1928-1929), p. 113.

291.

TREATY OF COMMERCE AND NAVIGATION
BETWEEN GREECE AND YUGOSLAVIA

SIGNED AT

ATHENS

ON NOVEMBER 2nd, 1927¹.

Ratifications: The exchange of ratifications took place at Belgrade on November 1st, 1928.

ARTICLE 28.

Should a dispute arise between the High Contracting Parties regarding the application or interpretation of the present Treaty, and should either Party request that the difference should be submitted to the decision of a court of arbitration, the dispute shall be settled by a mixed arbitral court. The court shall be constituted *ad hoc*, and shall be composed of an equal number of representatives of the two Parties acting as arbitrators. Should the said arbitrators not arrive at an agreement, the court shall be completed by a third arbitrator, whom the President of the Permanent Court of International Justice may be requested to appoint.

The decision of the Court of arbitration shall be binding.

¹ *League of Nations, Treaty Series*, Vol. XCI (1929), p. 137.

292.

AGREEMENT
 CONCERNING THE EXECUTION OF ARTICLES 266
 (LAST PARAGRAPH) AND 273 OF THE TREATY OF
 SAINT-GERMAIN
 BETWEEN
 AUSTRIA AND ITALY

SIGNED AT

ROME

ON DECEMBER 22nd, 1927¹.

Ratifications: The exchange of ratifications took place at Rome on June 19th, 1929.

ARTICLE II.

Disputes which may arise concerning questions dealt with in the present Agreement, and which it may not have been possible to settle amicably within three months' notice being given by one of the High Contracting Parties to the other, shall be submitted to an arbitrator selected by the Parties jointly.

Should the High Contracting Parties be unable to agree on the choice of the arbitrator within one month, he shall be appointed, at the request of one of the Parties, by the Permanent Court of International Justice at The Hague.

The arbitrator shall himself lay down the arbitration procedure.

The arbitrator shall have power to carry out such enquiries as he may consider necessary and to apply direct to the central authorities of either of the contracting Parties, who shall be bound to carry out his requests without delay.

Each of the contracting States shall have the right to be represented at the arbitration proceedings.

The costs of arbitration shall be settled and allocated *ex æquo et bono* by the arbitrator himself.

The High Contracting Parties undertake to give the arbitrator all necessary assistance in carrying out his duties.

Decisions of the arbitrator shall be binding and without appeal.

¹ *League of Nations, Treaty Series*, Vol. XCI (1929), p. 283.

293.

TREATY OF ARBITRATION AND CONCILIATION
BETWEEN GERMANY AND LITHUANIA

SIGNED AT

BERLIN

ON JANUARY 29th, 1928¹.

Ratifications: The exchange of ratifications took place at Kovno on May 4th, 1929.

ARTICLE I.

The contracting Parties undertake to submit to the decision of the Hague Permanent Court of International Justice or of a special arbitral tribunal, or to a procedure of conciliation, as provided in the present Convention, all disputes of any nature whatsoever which may arise between them and which it has not been possible to settle within a reasonable period by diplomacy.

Disputes for the settlement of which a special procedure has been laid down in other conventions in force between the contracting Parties, shall be settled in accordance with the provisions of such conventions.

ARTICLE 2.

At the request of either of the Parties, disputes in connection with which the Parties contest a point of law shall be submitted to the decision of the Permanent Court of International Justice, in particular, disputes regarding the following subjects:

First, the existence, interpretation and application of any treaty concluded between the two Parties;

Secondly, any question of international law;

Thirdly, the existence of any fact which, if established, would constitute a breach of an international obligation;

Fourthly, the extent and nature of the reparation to be made for the breach of such obligation.

¹ *League of Nations, Treaty Series*, Vol. XC (1929), p. 233.

ARTICLE 3.

In the cases mentioned in Article 2, a procedure before a special arbitral tribunal may, by special agreement between the Parties, be substituted for the procedure before the Permanent Court of International Justice.

ARTICLE 4.

Should the Parties differ on the question whether a dispute comes under any of the categories mentioned in Article 2, this preliminary question shall be settled by the Permanent Court of International Justice or, if the Parties agree to set up a special arbitral tribunal, by that tribunal.

ARTICLE 5.

In each individual case which is to be submitted to the decision of the Hague Permanent Court of International Justice or of a special tribunal, the contracting Parties shall conclude a special agreement mentioning the subject of the dispute and the other conditions upon which the Parties have agreed. If the contracting Parties agree to set up a special arbitral tribunal, they shall as far as possible comply with the provisions of the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

The special agreement shall be drawn up by a protocol or by an exchange of notes. The Permanent Court of International Justice or the special arbitral tribunal shall be competent to interpret the special agreement.

If the special agreement is not concluded within two months after one of the Parties has notified the other Party of its intention to institute proceedings before the Permanent Court of International Justice or a special arbitral tribunal, each Party may bring the matter before the Permanent Court of International Justice by a simple application in accordance with the Statute of the Court.

ARTICLE 6.

All disputes which are not submitted to the decision of the Permanent Court of International Justice or a special arbitral tribunal under the foregoing articles of the present Treaty shall, at the request of one of the Parties, be the subject of a procedure of conciliation.

The contracting Parties may also agree to submit to the conciliation procedure any of the disputes mentioned in Article 2 before proceedings are opened before the Permanent Court of International Justice or a special arbitral tribunal.

294.

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION
BETWEEN GERMANY AND SIAM

SIGNED AT

BANGKOK

ON APRIL 7th, 1928¹.

Ratifications: The exchange of ratifications took place at Bangkok on October 24th, 1928.

ARTICLE XX.

The two High Contracting Parties agree that any dispute that may arise between them as to the proper interpretation or application of any of the provisions of the present Treaty, shall, at the request of either Party, be referred to arbitration.

The court of arbitration to which such disputes shall be referred shall be the Permanent Court of International Justice at The Hague, unless, in any particular case, the two High Contracting Parties agree otherwise.

¹ *League of Nations, Treaty Series*, Vol. LXXXV (1929), p. 337.

295.CONVENTION OF COMMERCE AND NAVIGATION
BETWEEN HUNGARY AND SWEDEN

SIGNED AT

BUDAPEST

ON NOVEMBER 8th, 1928¹.

Ratifications: The exchange of ratifications took place at Stockholm on May 8th, 1929.

ARTICLE 15.

Any dispute with regard to the interpretation, application or execution of the present Convention which the contracting Parties have not been able to settle through the diplomatic channel shall be submitted to the Permanent Court of International Justice.

¹ *League of Nations, Treaty Series*, Vol. LXXXIX (1929), p. 283.

296.

CONVENTION FOR THE PURPOSE OF TERMINATING
THE EXISTING FINANCIAL DISPUTES
BETWEEN GERMANY AND ROUMANIA

SIGNED AT

BERLIN

ON NOVEMBER 10th, 1928¹;

Ratifications: The exchange of ratifications took place at Berlin on November 10th, 1928.

ARTICLE VII.

1. Any difference of opinion which may arise out of the present Agreement, its annex or the letters exchanged this day between the two delegations, and which cannot be settled through the usual diplomatic channel within three months following the first notification of the matter by either of the contracting States, shall be submitted to an arbitral tribunal consisting of a national of each of the two countries and a third arbitrator, who shall be chairman. The national arbitrators must be appointed within one month of the time when the difference arose. The third arbitrator shall be appointed at the request of either contracting Party by the two national members of the court of arbitration. If it is found impossible to agree upon this appointment within one month of the request, the third arbitrator shall be appointed by the President of the Hague Permanent Court of International Justice.

2. In the event of a difference of opinion resulting from the application of No. II of the present Agreement, the period of three months provided for in the first paragraph shall be reduced by half.

¹ *League of Nations, Treaty Series*, Vol. XCI (1929), p. 101.

297.

TREATY OF CONCILIATION AND ARBITRATION
BETWEEN HUNGARY AND POLAND

SIGNED AT

WARSAW

ON NOVEMBER 30th, 1928¹.

Ratifications: The exchange of ratifications took place at Budapest on January 29th, 1930.

ARTICLE 15².

The provisions contained in Article 12 of this Treaty shall not affect the right to submit a dispute of a legal nature by special agreement to the Permanent Court of International Justice under the conditions and in accordance with the procedure laid down by its Statute, should the two Parties mutually consent to adopt this course.

¹ Communicated by the Hungarian Government.

² Translated by the Registry.

298.

PROTOCOL
ANNEXED TO
THE TREATY OF NEUTRALITY, CONCILIATION AND
ARBITRATION, BETWEEN HUNGARY AND TURKEY,
SIGNED AT
BUDAPEST
ON JANUARY 5th, 1929 ¹.

ARTICLE 12 ².

The provisions of Article 4 of the present Treaty are without prejudice to the right to submit a dispute of a judicial nature to the Permanent Court of International Justice by special agreement, under the conditions and in accordance with the procedure laid down by its Statute.

ARTICLE 13.

Should the special agreement referred to in Article 10 or 12, as the case may be, of the present Protocol not be concluded within six months following the notification of a request for arbitration, either Party may refer the dispute to the Permanent Court of International Justice by ordinary application.

¹ Communicated by the Hungarian Government.

² Translated by the Registry.

299.
COMMERCIAL AGREEMENT
BETWEEN ESTHONIA AND FRANCE

SIGNED AT

PARIS

ON MARCH 15th, 1929¹.

Ratifications: The exchange of ratifications took place at Paris on December 7th, 1929.

ARTICLE 41.

Any disputes which may arise between the High Contracting Parties concerning the interpretation or application of the present Agreement and which it has not been possible to settle through the diplomatic channel within a reasonable time shall by common consent be submitted by way of a special agreement (*compromis*), either to the Permanent Court of International Justice according to the procedure prescribed by its Statute, or to a court of arbitration according to the procedure laid down by the Hague Convention of October 12th, 1907, for the pacific settlement of international disputes.

Failing agreement between the Parties regarding the special agreement (*compromis*), and after one month's notice, either Party shall be entitled to bring the dispute direct, by making application, before the Permanent Court of International Justice.

Further, the two High Contracting Parties shall have the right, by notifying the Registrar, to submit the matters which have led to the suspension of the provisions mentioned in Article 35 to the Permanent Court of International Justice at The Hague, which shall settle the question as rapidly as possible by summary procedure.

¹ *League of Nations, Treaty Series*, Vol. LXXXIX (1929), p. 381.

300.CONVENTION OF COMMERCE AND NAVIGATION
BETWEEN ESTHONIA AND HUNGARY

SIGNED AT

TALLINN

ON APRIL 29th, 1929¹.ARTICLE 18².

Disputes between the two High Contracting Parties in regard to the application and interpretation of the present Treaty shall be decided by a mixed arbitral tribunal. The arbitral tribunal shall be constituted *ad hoc* and shall include an equal number of representatives of the two Parties. Should these representatives not succeed in reaching agreement, they shall have recourse to a neutral third arbitrator, whom, if necessary, the President of the Permanent Court of International Justice shall be asked to appoint.

¹ Communicated by the Hungarian Government.

² Translated by the Registry.

301.

CONVENTION OF COMMERCE AND NAVIGATION
BETWEEN HUNGARY AND LITHUANIASIGNED AT
BUDAPEST
ON MAY 16th, 1929¹.ARTICLE 18².

Should a dispute arise between the contracting Parties concerning the interpretation or application of the provisions of the present Convention, such dispute shall, if one of the contracting Parties makes a request to that effect, be submitted to arbitration. The decision of the arbitral tribunal shall be binding.

For each dispute, the arbitral tribunal shall be constituted as follows: each of the contracting Parties shall appoint a competent person from amongst its nationals as its arbitrator; the arbitrators thus appointed shall agree upon the choice of an umpire who shall be the national of a third friendly Power. Should the contracting Parties be unable to agree as to the choice of an umpire within the four weeks following the request for submission of the dispute to arbitration, the umpire shall be selected by the President of the Permanent Court of International Justice at The Hague. The contracting Parties reserve the right to select beforehand and for a fixed period the person who is to act as umpire in the event of a dispute.

The contracting Parties shall come to an agreement in regard to the procedure of the arbitral tribunal as occasion may arise. Failing such agreement within two months from the date of the request for arbitration, the procedure shall be settled by the arbitral tribunal itself.

¹ Communicated by the Hungarian Government.

² Translated by the Registry.

302.

TREATY OF COMMERCE
BETWEEN BOLIVIA AND THE NETHERLANDS

SIGNED AT

LA PAZ

ON MAY 30th, 1929¹.ARTICLE XI².

Any dispute concerning the interpretation, application or execution of this Treaty which cannot be settled between the High Contracting Parties, shall be referred to the Permanent Court of International Justice, which shall have jurisdiction to give judgment upon the dispute at the request of the two Parties or of one of them.

¹ Communicated by the Dutch Government.

² Translated by the Registry.

303.

TREATY OF CONCILIATION, JUDICIAL SETTLEMENT
AND ARBITRATION
BETWEEN HUNGARY AND SPAIN

SIGNED AT
MADRID
ON JUNE 10th, 1929¹.

Ratifications: The exchange of ratifications took place at Budapest on March 14th, 1930.

ARTICLE 2².

All disputes of any kind between the High Contracting Parties in regard to which the Parties are in conflict as to their respective rights and which cannot be amicably settled by the ordinary methods of diplomacy, shall be submitted for judgment either to the Permanent Court of International Justice or to an arbitral tribunal.

It is agreed that the above disputes shall include those enumerated in Article 36 of the Statute of the Permanent Court of International Justice.

ARTICLE 3.

Prior to any proceedings before the Permanent Court of International Justice or before the arbitral tribunal, the dispute may, by mutual agreement between the Parties, be submitted for conciliation to a permanent international commission, known as the Permanent Conciliation Commission, formed as laid down in the present Treaty.

ARTICLE 17.

Failing an arrangement referring the dispute to the Permanent Conciliation Commission, or, when such an arrangement

¹ Communicated by the Hungarian Government.

² Translated by the Registry.

has been made, failing conciliation before the Permanent Conciliation Commission, the dispute shall be submitted by special agreement either to the Permanent Court of International Justice under the conditions and in accordance with the procedure laid down by its Statute, or to an arbitral tribunal under the conditions and in accordance with the procedure laid down by the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

Should the special agreement not be drawn up within six months from the date on which one of the Parties shall have received the request for judicial settlement, either Party may, upon giving one month's notice, bring the dispute directly before the Permanent Court of International Justice by application.

The Permanent Court of International Justice, if entrusted with the decision of the dispute, or the arbitral tribunal appointed for the same purpose, as the case may be, shall be competent to construe the terms of the special agreement.

ARTICLE 22.

Disputes arising with regard to the interpretation or execution of this Treaty shall, unless otherwise agreed, be referred directly to the Permanent Court of International Justice by ordinary application.

304.

CONVENTION
CONCERNING THE MARKING OF THE WEIGHT
ON HEAVY PACKAGES TRANSPORTED BY VESSELS¹

ADOPTED AT

GENEVA

ON JUNE 21st, 1929,

BY THE TWELFTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE².

¹ Article 423 of the Treaty of Versailles and the corresponding articles of the other peace treaties give the Court jurisdiction to deal with any question relating to the interpretation of conventions concluded by the Members of the International Labour Organization (see p. 104 of present volume).

² *League of Nations, International Labour Conference* (Draft convention and recommendations adopted by the Conference at its twelfth Session: May 30th—June 21st, 1929); Geneva, August 2nd, 1929.

305.

CONVENTION
CONCERNING THE PROTECTION AGAINST ACCIDENTS
OF WORKERS EMPLOYED IN LOADING OR
UNLOADING SHIPS¹

ADOPTED AT

GENEVA

ON JUNE 21st, 1929,

BY THE TWELFTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE².

¹ Article 423 of the Treaty of Versailles and the corresponding articles of the other peace treaties give the Court jurisdiction to deal with any question relating to the interpretation of conventions concluded by the Members of the International Labour Organization (see p. 104 of present volume).

² *League of Nations, International Labour Conference* (Draft convention and recommendations adopted by the Conference at its twelfth Session: May 30th--June 21st, 1929); Geneva, August 2nd, 1929.

306.

TREATY OF CONCILIATION AND ARBITRATION
BETWEEN BULGARIA AND HUNGARY

SIGNED AT

BUDAPEST

ON JULY 22nd, 1929¹.

Ratifications: The exchange of ratifications took place at Sofia on March 21st, 1930.

ARTICLE 3².

The conciliation of disputes shall be entrusted to a permanent conciliation commission which shall be formed within six months from the date of the coming into force of the present Treaty.

It shall be composed of three members to be appointed as follows: the High Contracting Parties shall each nominate one member and a deputy, in case the member should be unable to sit, chosen from amongst their respective nationals, and shall by mutual agreement appoint the president of the commission from amongst the nationals of some third Power.

Should the president of the commission not have been appointed within the above-mentioned time-limit of six months, owing to the failure of the Parties to arrive at an agreement, the President for the time being of the Permanent Court of International Justice shall be requested to make the appointment.

All members of the commission shall be appointed for three years as from the date of appointment of the president. They shall be re-eligible.

ARTICLE 12.

Failing conciliation of the dispute, either of the High Contracting Parties may demand that it should be submitted to arbitration, provided that it is a dispute of a legal nature.

¹ Communicated by the Hungarian Government.

² Translated by the Registry.

The court competent to give judgment on the dispute shall be the Permanent Court of International Justice, unless the Parties agree to have recourse by means of a special agreement to an arbitral tribunal *ad hoc*.

ARTICLE 14.

If, within the six months following notice of a request for arbitration, the other Party shall not have agreed to the request, or if, within the same limit of time, the special agreement referred to in Article 13 shall not have been drawn up, either of the Parties may refer the dispute to the Permanent Court of International Justice by ordinary application.

ARTICLE 18.

Disputes arising with regard to the interpretation or execution of this Treaty shall, unless otherwise agreed, be submitted direct to the Permanent Court of International Justice.

307.

TREATY OF JUDICIAL SETTLEMENT, ARBITRATION
AND CONCILIATION
BETWEEN
CZECHOSLOVAKIA AND THE NETHERLANDS
SIGNED AT
GENEVA
ON SEPTEMBER 14th, 1929¹.

ARTICLE 2².

All disputes of every kind relating to a right claimed by one of the High Contracting Parties and disputed by the other and which cannot be settled amicably by the ordinary methods of diplomacy, shall be submitted for judgment either to the Permanent Court of International Justice or to an arbitral tribunal as hereinafter provided. It is agreed that the disputes above referred to shall in particular include those mentioned in Article 13 of the Covenant of the League of Nations.

Disputes for the settlement of which some special procedure is laid down by other conventions in force between the High Contracting Parties shall be settled in accordance with the terms of such conventions.

ARTICLE 3.

Before any proceedings before the Permanent Court of International Justice and before any arbitral proceedings, the dispute may, by agreement between the Parties, be submitted for conciliation to a permanent international commission, known as the Permanent Conciliation Commission, formed as provided in this Treaty.

ARTICLE 4.

If, in the case of one of the disputes contemplated by Article 2, the two Parties have not had recourse to the Permanent Conciliation Commission, or if the latter has not succeeded in reconciling the views of the Parties, the dispute

¹ Communicated by the Dutch Government.

² Translated by the Registry.

shall be submitted by common consent and by way of special agreement either to the Permanent Court of International Justice, which shall give judgment under the conditions and in accordance with the procedure laid down by its Statute, or to an arbitral tribunal which shall give judgment under the conditions and in accordance with the procedure laid down by the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

Failing agreement between the Parties as to the choice of the tribunal, the terms of the special agreement or, in the case of proceedings by arbitration, as to the appointment of arbitrators, either of them, upon giving one month's notice, may bring the dispute directly before the Permanent Court of International Justice by means of an application.

ARTICLE 7.

All questions in regard to which the High Contracting Parties may differ and which they are unable to settle amicably by the ordinary methods of diplomacy, questions which are such that it is impossible for them to be settled by means of a judgment as provided under Article 2 of this Treaty, and for which no procedure for settlement is already laid down by some treaty or convention in force between the Parties, shall be submitted to the Permanent Conciliation Commission which will be called upon to propose to the Parties an acceptable settlement and in any event to make a report to them.

Failing agreement between the Parties in regard to the request to be submitted to the Commission, either of them may, upon giving one month's notice, refer the question directly to the said Commission.

In all cases, should there be a difference of opinion between the Parties as to whether the dispute possesses the character of one of the disputes contemplated under Article 2 and is accordingly suitable for settlement by means of a judgment, such difference of opinion shall, prior to any proceedings before the Permanent Conciliation Commission, be submitted for decision to the Permanent Court of International Justice by agreement between the High Contracting Parties or, failing such agreement, at the request of either of them.

ARTICLE 22.

Should a dispute arise between the High Contracting Parties concerning the interpretation of the present Treaty, it shall be referred to the Permanent Court of International Justice in accordance with the procedure laid down in Article 4, paragraph 2.

308.

TREATY OF JUDICIAL SETTLEMENT, ARBITRATION
AND CONCILIATION
BETWEEN LUXEMBURG AND THE NETHERLANDS

SIGNED AT
GENEVA

ON SEPTEMBER 17th, 1929¹.

ARTICLES 2, 3, 4, 7 AND 22.

[See Articles 2, 3, 4, 7 and 22 of the Treaty of judicial settlement, arbitration and conciliation between Czechoslovakia and the Netherlands (Geneva, September 14th, 1929).]

¹ Communicated by the Dutch Government.

309.TREATY OF CONCILIATION, JUDICIAL SETTLEMENT
AND ARBITRATION
BETWEEN CZECHOSLOVAKIA AND SWITZERLANDSIGNED AT
GENEVA
ON SEPTEMBER 20th, 1929¹.

Ratifications: The exchange of ratifications took place on June 7th, 1930.

ARTICLE 1².

All disputes of every kind in regard to which the contracting Parties are in conflict as to their respective rights, and which cannot be settled amicably by the ordinary methods of diplomacy, shall be submitted for judgment either to the Permanent Court of International Justice or to an arbitral tribunal as hereinafter provided.

It is agreed that the disputes referred to above shall include in particular those mentioned under Article 36 of the Statute of the Permanent Court of International Justice.

ARTICLE 3.

Prior to any proceedings before the Permanent Court of International Justice or before an arbitral tribunal, the dispute must, at the demand of either Party, be submitted for conciliation to a permanent commission known as "the Permanent Conciliation Commission".

ARTICLE 16.

Failing conciliation before the Conciliation Commission, the dispute shall be submitted, by special agreement, to the Permanent Court of International Justice under the conditions

¹ Message No. 2519 of the Swiss Federal Council to the Federal Assembly (Berne, November 26th, 1929).

² Translated by the Registry.

and in accordance with the procedure laid down by its Statute.

Failing agreement between the Parties upon the terms of the special agreement, either of them may, upon giving one month's notice, refer the dispute direct to the Permanent Court of International Justice by means of an application.

Nevertheless the Parties shall always remain free to agree to refer the dispute to an arbitral tribunal under the conditions and in accordance with the procedure laid down in the Hague Convention for the pacific settlement of international disputes of October 18th, 1907.

ARTICLE 17.

All disputes other than those covered by Article 1 which may arise between the contracting Parties and cannot be settled within a reasonable time by the ordinary methods of diplomacy, shall be submitted to the Permanent Conciliation Commission. In such cases the procedure indicated in Articles 6 to 15 of this Treaty shall be followed.

ARTICLE 18.

Should it prove impossible to reconcile the Parties, the dispute shall, at the request of one of them, be submitted for decision to an arbitral tribunal which, unless otherwise agreed between the Parties, shall be composed of five members, appointed for each case as it arises, in accordance with the method laid down by Articles 4 and 5 of this Treaty with regard to the Conciliation Commission.

The Parties, however, reserve the right to submit the dispute, by common consent, to the Permanent Court of International Justice which shall give judgment *ex æquo et bono*.

ARTICLE 23.

All disputes as to the interpretation and application of this Treaty shall be submitted by ordinary application to the Permanent Court of International Justice.

310.

AGREEMENT
CONCERNING THE PAYMENT OF CLAIMS
OF GREEK NATIONALS IN RESPECT OF DAMAGES
SUFFERED DURING THE PERIOD
OF GREEK NEUTRALITY,
BETWEEN AUSTRIA AND GREECE,

SIGNED AT
VIENNA
ON DECEMBER 27th, 1929¹.

Ratifications: The exchange of ratifications took place at Vienna on March 31st, 1930.

ARTICLE V ².

Should a dispute arise regarding the interpretation or application of this Agreement which cannot be settled amicably within three months from the date of receipt of notice of the existence of such dispute given by one of the High Contracting Parties to the other, the dispute shall be submitted to the Permanent Court of International Justice at The Hague by means of an ordinary application filed by one of the High Contracting Parties.

¹ Communicated by the Austrian Government.

² Translated by the Registry.

311.

CONVENTION
FOR THE FINAL SETTLEMENT OF QUESTIONS
ARISING OUT OF SECTIONS III AND IV
OF PART X OF THE TREATY OF SAINT-GERMAIN
BETWEEN AUSTRIA AND BELGIUM

SIGNED AT
THE HAGUE
ON JANUARY 18th, 1930¹.

ARTICLE 12².

Differences of opinion arising in regard to the interpretation or execution of this Convention shall be submitted to the Mixed Arbitral Tribunal, and, when that Tribunal ceases to function, to an arbitral tribunal composed of one national of each of the two High Contracting Parties and of a third arbitrator acting as president and belonging to a nation which did not take part in the war.

The President shall be appointed by agreement between the two Parties. Should no agreement be reached within three months from the date of the request made by either Party, the third arbitrator shall be appointed by the President of the Permanent Court of International Justice at The Hague.

¹ Second annex to No. 75 of the *Moniteur belge* (1930), p. 133.

² Translated by the Registry.

312.

AGREEMENT ¹

SIGNED AT

THE HAGUE

ON JANUARY 20th, 1930 ².

ARTICLE XV.

1. Any dispute, whether between the Governments signatory to the present Agreement or between one or more of those Governments and the Bank for International Settlements, as to the interpretation or application of the New Plan shall, subject to the special provisions of Annexes I, V A, VI A and IX, be submitted for final decision to an arbitration tribunal of five members appointed for five years, of whom one, who will be the chairman, shall be a citizen of the United States of America, two shall be nationals of States which were neutral during the late war; the two other shall be respectively a national of Germany and a national of one of the Powers which are creditors of Germany.

For the first period of five years from the date when the New Plan takes effect this tribunal shall consist of the five members who at present constitute the Arbitration Tribunal established by the Agreement of London of the 30th August, 1924.

2. Vacancies on the Tribunal, whether they result from the expiration of the five-yearly periods or occur during the course of any such period, shall be filled, in the case of a member who is a national of one of the Powers which are creditors of Germany, by the French Government, which will first reach an understanding for this purpose with the

¹ The Preamble to the Agreement contains the following passage:

"... the duly authorized representatives of the Government of the German Reich, the Government of His Majesty the King of the Belgians, the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Canada, the Government of the Commonwealth of Australia, the Government of New Zealand, the Government of the Union of South Africa, the Government of India, the Government of the French Republic, the Government of the Greek Republic, the Government of His Majesty the King of Italy, the Government of His Majesty the Emperor of Japan, the Government of the Republic of Poland, the Government of the Republic of Portugal, the Government of His Majesty the King of Roumania, the Government of the Czechoslovak Republic and the Government of His Majesty the King of Yugoslavia...."

² *Agreements concluded at the Hague Conference*, January 1930.—Printed and published by H.B.M.'s Stationery Office, 1930.

Belgian, British, Italian and Japanese Governments; in the case of the member of German nationality, by the German Government; and in the cases of the three other members by the six Governments previously mentioned¹ acting in agreement, or in default of their agreement, by the President for the time being of the Permanent Court of International Justice.

3. In any case in which either Germany or the Bank is plaintiff or defendant, if the chairman of the tribunal considers, at the request of one or more of the creditor Governments parties to the proceedings, that the said government or governments are principally concerned, he will invite the said government or governments to appoint—and in the case of more governments than one by agreement—a member, who will take the place on the tribunal of the member appointed by the French Government.

In any case in which, on the occasion of a dispute between two or more creditor governments, there is no national of one or more of those governments among the members of the tribunal, that government or those governments shall have the right to appoint each a member who will sit on that occasion. If the chairman considers that some of the said governments have a common interest in the dispute, he will invite them to appoint a single member. Whenever, as a result of this provision, the tribunal is composed of an even number of members, the chairman shall have a casting vote.

4. Before and without prejudice to a final decision, the chairman of the tribunal, or, if he is not available in any case, any other member appointed by him, shall be entitled, on the request of any Party who makes the application, to make any interlocutory order with a view to preventing any violation of the rights of the Parties.

5. In any proceedings before the tribunal, the Parties shall always be at liberty to agree to submit the point at issue to the chairman or any one of the members of the tribunal chosen as a single arbitrator.

6. Subject to any special provisions which may be made in the submission—provisions which may not in any event affect the right of intervention of a third Party—the procedure before the tribunal or a single arbitrator shall be governed by the rules laid down in Annex XII.

The same rules, subject to the same reservation, shall also apply to any proceedings before this tribunal for which the annexes to the present Agreement provide.

¹ Germany, Belgium, France, Great Britain, Italy and Japan.

7. In the absence of an understanding on the terms of submission, any Party may seize the tribunal directly by a proceeding *ex parte*, and the tribunal may decide, even in default of appearance, any question of which it is thus seized.

8. The tribunal, or the single arbitrator, may decide the question of their own jurisdiction, provided always that, if the dispute is one between governments and a question of jurisdiction is raised, it shall, at the request of either Party, be referred to the Permanent Court of International Justice.

9. The present provisions shall be duly accepted by the Bank for the settlement of any dispute which may arise between it and one or more of the signatory Governments as to the interpretation or application of its Statutes or the New Plan.

313.

DECLARATION BY THE REPRESENTATIVES
OF THE GERMAN GOVERNMENT
(ANNEX I TO THE AGREEMENT OF JANUARY 20th, 1930)
SIGNED AT
THE HAGUE
ON JANUARY 20th, 1930¹.

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Nevertheless, if one or more of the creditor Powers refer to the Permanent Court of International Justice the question whether acts originating with the German Government reveal its determination to destroy the New Plan, the German Government, in agreement with the creditor Governments, accepts the proposal that the Permanent Court should decide the question, and declares that it acknowledges that it is legitimate, in the event of an affirmative decision by the Court, that, in order to ensure the fulfilment of the financial obligations of the debtor Power resulting from the New Plan, the creditor Power or Powers should resume their full liberty of action.

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¹ *Agreements concluded at the Hague Conference, January, 1930.*—Printed and published by H.B.M.'s Stationery Office, 1930.

314.

CONVENTION
ON CERTAIN QUESTIONS RELATING TO
THE CONFLICT OF NATIONALITY LAWS

SIGNED AT
THE HAGUE
ON APRIL 12th, 1930¹.

Signatories :

Australia
Austria
Belgium
Chile
Colombia
Cuba
Czechoslovakia
Danzig (Free City of—)
Denmark
Egypt
Esthonia
France
Germany
Great Britain and Northern Ireland
Greece
Iceland
India
Irish Free State
Italy
Latvia
Luxemburg
Mexico
Netherlands
Peru
Poland
Portugal
Salvador
South Africa
Spain
Switzerland
Uruguay.

¹ *League of Nations, Conference for the Codification of International Law*
(The Hague, March-April 1930), Document C. 224. M. III. 1930. V.

ARTICLE 21.

If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Convention and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the Parties providing for the settlement of international disputes.

In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement, in accordance with the constitutional procedure of each of the Parties to the dispute. In the absence of agreement on the choice of another tribunal, the dispute shall be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Convention of the 16th December, 1920, relating to the Statute of that Court, and if any of the Parties to the dispute is not a Party to the Protocol of the 16th December, 1920, the dispute shall be referred to an arbitral tribunal constituted in accordance with the Hague Convention of the 18th October, 1907, for the pacific settlement of international conflicts.

315.
PROTOCOL
RELATING TO MILITARY OBLIGATIONS
IN CERTAIN CASES OF DOUBLE NATIONALITY
SIGNED AT
THE HAGUE
ON APRIL 12th, 1930¹.

Signatories :

Austria
Belgium
Chile
Colombia
Cuba
Denmark
Egypt
France
Germany
Great Britain and Northern Ireland
Greece
India
Irish Free State
Luxemburg
Mexico
Netherlands
Peru
Portugal
Salvador
Spain
Uruguay.

ARTICLE 7.

[See above, *mutatis mutandis*, Article 21 of the Convention on certain questions relating to the conflict of nationality laws, p. 563.]

¹ *League of Nations, Conference for the Codification of International Law* (The Hague, March-April 1930), Document C. 225. M. 112. 1930. V.

316.

PROTOCOL RELATING
TO A CERTAIN CASE OF STATELESSNESS

SIGNED AT

THE HAGUE

ON APRIL 12th, 1930¹.

Signatories :

Australia
Belgium
Chile
Colombia
Cuba
Czechoslovakia
Danzig (Free City of—)
Denmark
Egypt
Esthonia
France
Great Britain and Northern Ireland
Greece
India
Irish Free State
Latvia
Luxemburg
Mexico
Netherlands
Peru
Poland
Portugal
South Africa
Spain
Uruguay.

ARTICLE 5.

[See above, *mutatis mutandis*, Article 21 of the Convention on certain questions relating to the conflict of nationality laws, p. 563.]

¹ *League of Nations, Conference for the Codification of International Law* (The Hague, March-April 1930), Document C. 226. M. 113. 1930. V.

317.

SPECIAL PROTOCOL
CONCERNING STATELESSNESSSIGNED AT
THE HAGUE
ON APRIL 12th, 1930¹.*Signatories :*Austria
Colombia
Cuba
Egypt
Great Britain
Greece
India
Irish Free State
Luxemburg
Mexico
Portugal
Salvador
South Africa
Spain
Uruguay.

ARTICLE 5.

[See above, *mutatis mutandis*, Article 21 of the Convention on certain questions relating to the conflict of nationality laws, p. 563.]

¹ *League of Nations, Conference for the Codification of International Law* (The Hague, March-April 1930), Document C. 227. M. 114. 1930. V.

318.

AGREEMENT (No. I) ¹
 CONCERNING THE ARRANGEMENTS BETWEEN
 HUNGARY AND THE CREDITOR POWERS

SIGNED AT

PARIS

ON APRIL 28th, 1930 ².

ARTICLE 7.

Nevertheless, Hungary undertakes to reserve from its State revenues, as from the coming into force of the present Agreement, certain annual receipts at least equal to 150 per cent. of the annual payments mentioned in Article 1. It is understood that if any one of these payments is not made on the

¹ Communicated by the Hungarian Government.

² The Preamble preceding the Agreements signed at Paris on April 28th, 1930, contains the following passages:

“The duly authorized representatives of the Government of His Majesty the King of the Belgians, the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Canada, the Government of the Commonwealth of Australia, the Government of New Zealand, the Government of the Union of South Africa, the Government of India, the Government of the French Republic, the Government of the Greek Republic, the Government of the Kingdom of Hungary, the Government of His Majesty the King of Italy, the Government of His Majesty the Emperor of Japan, the Government of the Republic of Poland, the Government of the Republic of Portugal, the Government of His Majesty the King of Roumania, the Government of the Czechoslovak Republic, the Government of His Majesty the King of Yugoslavia,

Met at The Hague with a view to arriving at a final and complete settlement of the question of the financial obligations incumbent on Hungary by virtue of the Treaty of Trianon, of the Armistice of the 3rd November, 1918, and of any Agreements supplementary thereto, and to ensure the settlement of disputes of a financial nature which have arisen between Hungary or Hungarian nationals, of the one part, and certain Powers or their nationals, of the other part.

To this end an Agreement was signed and four annexes were duly initialled at The Hague on the 20th January, 1930.

Certain Powers are not contracting Parties to the former Annex III (now Agreement No. IV).

It was decided at The Hague that the final drafting of these Agreements should be entrusted to a committee which was to sit in Paris.

As the result of the labours of that Committee, the appended texts drawn up in French and in English, both texts being equally authentic, were signed in Paris on the 28th April, 1930.”

The texts initialled at The Hague in January 1930, and which are replaced by the texts prepared by the Committee at Paris, in April 1930, are not reproduced in this volume.

date upon which it falls due, Hungary shall immediately, at the simple request of five of the creditor Powers, assign the said receipts as security.

The procedure for the assignment and management of the security shall form the subject of a special agreement between the Hungarian Government and the Bank for International Settlements. Failing agreement on this point, the said procedure shall be determined by three experts appointed by the President of the Permanent Court of International Justice.

319.

AGREEMENT (No. II)¹
FOR THE SETTLEMENT OF QUESTIONS RELATING
TO THE AGRARIAN REFORMS AND MIXED ARBITRAL
TRIBUNALS
BETWEEN CZECHOSLOVAKIA, HUNGARY,
ROUMANIA AND YUGOSLAVIA

SIGNED AT
PARIS
ON APRIL 28th, 1930².

ARTICLE IX.

Each of the Mixed Arbitral Tribunals functioning between Czechoslovakia, Yugoslavia and Roumania, of the one part, and Hungary, of the other part, shall, for all questions, whether agrarian or other, be completed by the addition of two members chosen by the Permanent Court of International Justice from the nationals of countries which were neutral during the late war, who possess the necessary qualifications to act as arbitrators.

ARTICLE X.

Czechoslovakia, Yugoslavia and Roumania, of the one part, and Hungary of the other part, agree to recognize, without any special agreement, a right of appeal to the Permanent Court of International Justice from all judgments on questions of jurisdiction or merits which may be given henceforth by the Mixed Arbitral Tribunals in all proceedings other than those referred to in Article I of the present Agreement.

The right of appeal may be exercised by written application by either of the two governments between which the Mixed Arbitral Tribunal is constituted, within three months from the notification to its agent of the judgment of the said Tribunal.

ARTICLE XVII.

In the event of any difference as to the interpretation or application of the present Agreement, and failing agreement

¹ Communicated by the Hungarian Government.

² See note 2, p. 567.

between the Parties interested on the choice of a single arbitrator, any State interested shall be entitled to address itself, by written application, to the Permanent Court of International Justice, and shall not be barred by any decision of the Mixed Arbitral Tribunal under Article I of the present Agreement.

320.

AGREEMENT (No. III)¹
CONCERNING THE ORGANIZATION AND WORKING OF
AN AGRARIAN FUND ENTITLED "FUND A"

SIGNED AT
PARIS
ON APRIL 28th, 1930².

ARTICLE 22.

In the event of any difference as to the interpretation or application of the present Agreement, and failing agreement between the Parties interested on the choice of a single arbitrator, any State interested shall be entitled to address itself, by written application, to the Permanent Court of International Justice.

¹ Communicated by the Hungarian Government.

² See note 2, p. 567.

321.

AGREEMENT (No. IV)¹
CONCERNING THE CONSTITUTION OF A SPECIAL FUND
ENTITLED "FUND B"
BETWEEN CZECHOSLOVAKIA, FRANCE, GREAT BRITAIN,
ITALY, ROUMANIA AND YUGOSLAVIA

SIGNED AT
PARIS
ON APRIL 28th, 1930².

ARTICLE XI.

In the event of any difference as to the interpretation or application of the present agreement, the question shall be referred to an arbitrator chosen by the unanimous decision of the Managing Committee, or, in default thereof, to three arbitrators appointed, one by the majority, another by the minority of the Managing Committee, and the third by the President of the Permanent Court of International Justice.

¹ Communicated by the Hungarian Government.

² See note 2, p. 567.

322.**AGREEMENT
BETWEEN HUNGARY AND ROUMANIA**

SIGNED AT

PARIS

ON APRIL 28th, 1930¹.

With a view to the final settlement of the questions concerning the Gojdu Foundation, and subject to the entry into force of the Agreements relating to the obligations resulting from the Treaty of Trianon, signed at Paris this day, April 28th, 1930, the Hungarian Government undertakes to enter into direct negotiations with the Roumanian Government within one month at latest after the entry into force of the said Agreements.

These negotiations shall take place in Roumania, at Sibiu.

Should the negotiations not lead to a final agreement within six months, either of the two Governments shall have the right to bring the matter, by application, before the Permanent Court of International Justice, with a view to the establishment by the latter, in the form of a final settlement of the questions concerning the Gojdu Foundation, of the final agreement which the two Parties undertake to accept².

¹ Communicated by the Hungarian Government.

² Translation by the Registry.

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¹ For the complete list of international agreements governing the Court's jurisdiction, see pp. 108-142.

Date.	Place of signature.	Title of the Act.	Contracting Parties.	Numbers.	
1928.					
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June	10	Madrid	Treaty of conciliation, judicial settlement and arbitration	Hungary and Spain	303
June	21	Geneva	Convention concerning the marking of the weight on heavy packages transported by vessels	Collective Treaty	304

Date.		Place of signature.	Title of the Act.	Contracting Parties.	Numbers.
1929 (cont.).					
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Date.		Place of signature.	Title of the Act.	Contracting Parties.	Numbers.
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