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LIST OF DELEGATES

TO THE

CONFERENCE FOR THE CODIFICATION OF INTERNATIONAL LAW

AUSTRALIA

Delegates :

Sir Maurice Gwyer, K.C.B. (His Majesty's Procurator-General and Solicitor for the Affairs of His Majesty's Treasury).

Mr. O. F. Dowson, O.B.E. (Assistant Legal Adviser to the Home Office).

Mr. W. E. Beckett (Legal Adviser in the Foreign Office).

AUSTRIA

Delegates :

M. Marc Leitmaier (Doctor of Law, Legal Adviser of the Federal Chancellery, Department for Foreign Affairs, Plenipotentiary).

M. Charles Schwagula (Doctor of Law, Consul-General at the Department for Foreign Affairs).

M. Charles Schönberger (Doctor of Law, Ministerial Adviser at the Federal Ministry of Finance).

BELGIUM

Delegates :

M. J. de Ruelle (Legal Adviser of the Ministry for Foreign Affairs).

M. C. de Visscher (Professor at the University of Ghent, Legal Adviser of the Ministry for Foreign Affairs, Member of the Permanent Court of Arbitration).

M. R. Standaert (Doctor of Law at the Ministry of Justice).

M. Henri Rolin (Legal Adviser of the Ministry for Foreign Affairs).

Substitute Delegate :

Mlle. Marcelle Renson (Barrister at the Court of Appeal).

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Delegate :

His Excellency M. G. de Vianna Kelsch (Envoy Extraordinary and Minister Plenipotentiary to the President of the Republic of Ecuador).

BULGARIA

Delegate :

M. Anguel Karagueusoff (First President of the Supreme Court of Cassation).

CANADA

Delegates :

His Excellency the Honourable Philippe Roy (Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic, Plenipotentiary, Head of the Delegation).

M. Jean Désy (Counsellor of the Legation to the President of the French Republic).

Mr. Lester B. Pearson (First Secretary of the Department of External Affairs).

M. J. F. McNeill (Advisory Counsel, Department of Justice).

CHILE

Delegates :

His Excellency M. Miguel Cruchaga Tocornal (former Prime Minister, former Ambassador to the President of the United States of America, former Professor of International Law, President of the Mixed Claims Commissions between Mexico and Germany and Mexico and Spain).

M. Alejandro Alvarez (Member of the Institute of France, Member and former Vice-President of the Institute of International Law, Legal Adviser of the Chilian Legations in Europe).

Vice-Admiral Hipolito Marchant (Permanent Naval Delegate to the League of Nations).

Secretaries :

M. Enrique J. Gajardo V. (Professor of International Law at the University of Chile, Secretary of the Legation to the Swiss Federal Council, Secretary of the Delegation).

M. Benjamin Cohen (former Secretary of Embassy, Secretary of the Chairman of the Mixed Claims Commissions : Mexico-Germany and Mexico-Spain, Secretary of the Head of the Delegation).

CHINA

Delegate :

His Excellency M. Chao-Chu Wu (Envoy Extraordinary and Minister Plenipotentiary to the United States of America).

Technical Advisers :

M. William Hsieh (Secretary of Legation).

M. Yuen-li Liang (Secretary of Legation).

Secretaries :

M. Nietsou Wang (Secretary of Legation).

M. Sih Shou-heng (Attaché of Legation).

COLOMBIA

Delegates :

His Excellency M. Francisco José Urrutia (former Minister for Foreign Affairs, Permanent Delegate accredited to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council).

His Excellency M. Antonio José Restrepo (Permanent Delegate accredited to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary, Member of the Chamber of Representatives).

Assistant Delegate :

Dr. José Luís Arango (Doctor in Jurisprudence and Political Sciences, Graduate of the Institute of Higher International Studies, Paris, formerly in the Consular Service, Acting Chargé d'Affaires to Her Majesty the Queen of the Netherlands).

Secretary :

M. G. Abadia.

CUBA

Delegates :

His Excellency M. A. Diaz de Villar (Doctor of Law, Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands).

His Excellency M. C. de Armenteros (Doctor of Law, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council).

His Excellency M. G. de Blanck [1] (Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations).

Assistant Delegate :

Madame Blanche Z. de Baralt. [1]

[1] M. de Blanck and Madame Blanche Z. de Baralt were unable to be present at the Conference.

CZECHOSLOVAKIA

Delegates :

His Excellency M. Miroslav Plešinger-Božinov (Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands, Head of the Delegation).

Dr. Václav Joachim (Chief of Section in the Ministry of the Interior, Privat-docent of Public Law, Assistant Director of the Free School of Political Sciences at Prague).

Dr. Antonín Koukal (Chief Counsellor at the Ministry of Justice).

Dr. František Sitensky (Chief Counsellor at the Ministry of Commerce).

Experts :

Mme. Dr. Milada Král-Horaková.

Dr. Bohumil Kučera (Secretary of the Legation to Her Majesty the Queen of the Netherlands, Privat-docent of Private and Public International Law).

Secretary :

Dr. Vladimir Matějka (First Secretary of the Legation to Her Majesty the Queen of the Netherlands).

FREE CITY OF DANZIG

Delegates :

His Excellency M. Stefan Sieczkowski (Under-Secretary of State at the Polish Ministry of Justice, Chief of the Delegation).

M. Georges Crusen (Doctor of Law, President of the Supreme Court of the Free City).

DENMARK

Delegates :

M. F. C. Martensen-Larsen (Director at the Ministry of the Interior).

His Excellency M. Georg Cohn (Envoy Extraordinary and Minister Plenipoteniary).

M. V. L. Lorck (Director of Navigation, Captain).

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M. Schau (Assistant Chief of Department at the Ministry of the Interior).

EGYPT

Delegates :

His Excellency Abd el Hamid Badaoui Pacha (President of the Litigation Committee).

His Excellency Mourad Sid Ahmed Bey (Royal Counsellor).

Secretary :

M. Michel Doummar (Secretary of the State Litigation Committee).

ESTONIA

Delegates :

His Excellency M. Ants Piip (Professor of International Law at the University of Tartu, former Chief of State, former Minister for Foreign Affairs).

M. Alexandre Varma (Mag. Jur., Director of Administrative Questions at the Ministry for Foreign Affairs).

FINLAND

Delegates :

His Excellency Dr. Rafael Erich (Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Sweden, former Prime Minister, Chief of the Delegation).

Dr. Onni Talas (Professor at the University of Helsinki, former Minister of Justice, Member of Parliament).

M. Kaarlo Kaira (Barrister-at-Law).

Assistant Delegate :

M. Bruno Kivikoski (Consul-General at The Hague).

Secretary :

Mlle. Aina Forsman (Graduate in Arts).

Assistant Secretary :

M. Päivö Tarjanne (Graduate in Law, Attaché of Legation).

FRANCE

Delegates :

M. P. Matter (Member of the Institute, Procurator-General at the Supreme Court, President of the Delegation).

His Excellency M. Kammerer (Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands, Vice-President of the Delegation).

M. de Navailles (Assistant Director at the Ministry for Foreign Affairs).

M. J. Basdevant (Legal Adviser at the Ministry for Foreign Affairs, Professor at the Faculty of Law of the University of Paris).

M. Gilbert Gidel (Professor at the Faculty of Law of the University of Paris and at the Free School of Political Sciences).

Secretary-General :

M. E. Pépin (Assistant Legal Adviser at the Ministry for Foreign Affairs).

Technical Advisers :

M. Lecourbe (Director of Maritime Fisheries at the Ministry of the Mercantile Marine).

M. Rouchon-Mazerat (" Maître des Requêtes " at the " Conseil d'État ").

M. Dreyfus (Assistant Director at the Ministry of Justice).

FRANCE *(contd.)*

Captain Guichard (of the Historical Service of the Navy).

M. Besson (of the Ministry for the Colonies).

Lieutenant Commander Lambert (of the General Staff of the Navy).

Secretaries :

M. Louis Lucien-Hubert (Assistant Legal Adviser at the Ministry for Foreign Affairs).

M. de Panafieu (Attaché of Embassy).

GERMANY

Delegates :

M. Göppert (Minister Plenipotentiary, Head of the Delegation).

M. R. Richter (Privy Counsellor, Head of Department at the Ministry of Justice of the Reich).

M. H. Hering (Privy Counsellor, Head of Department at the Ministry of the Interior of the Reich).

Dr. M. Fleischmann (Professor at the University of Halle).

Dr. W. Schücking (Professor at the University of Kiel, Member of the Permanent Court of Arbitration).

Frau Dr. M. E. Luders (Member of the Reichstag).

Vice-Admiral Baron A. von Freyberg (of the Reich Ministry for National Defence, who was provisionally replaced by M. Eckhardt, " Oberregierungsrat ").

Secretary-General :

Dr. Nöldeke (Counsellor of Legation).

GREAT BRITAIN AND NORTHERN IRELAND

Delegates :

Sir Maurice Gwyer, K.C.B. (His Majesty's Procurator-General and Solicitor for the Affairs of His Majesty's Treasury).

Mr. O. F. Dowson, O.B.E. (Assistant Legal Adviser to the Home Office).

Mr. W. E. Beckett (Legal Adviser in the Foreign Office).

Technical Delegates :

Mr. A. W. Brown, LL.D. (Assistant Solicitor to His Majesty's Treasury).

Mr. W. H. Hancock (Secretary's Department, Admiralty).

Mr. G. S. King, M.C. (Treasury Solicitor's Department).

Lieutenant-Commander R. M. Southern (Hydrographic Department, Admiralty).

Miss Ivy Williams, D.C.L., LL.D.

Secretary :

Mr. W. Strang (Assistant Adviser on League of Nations Affairs, Foreign Office).

GREECE

Delegates :

His Excellency M. N. Politis (former Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic).

M. Megalos A. Caloyanni (Former Counsellor at the High Court of Appeal of Egypt, former Judge *ad hoc* of the Permanent Court of International Justice).

M. J. Spiropoulos (Professor of International Law at the Unitersity of Salonika).

Secretaries :

M. G. Koustas (Secretary at the Ministry for Foreign Affairs, Secretary of the Delegation).

M. D. A. Carapanos (Private Secretary of the Head of the Delegation).

HUNGARY

Delegate :

M. Eugène de Berczelly (Under-Secretary of State, Chief of the Department of International Law at the Ministry of Justice).

Technical Delegates :

M. Denis de Kovács (Department Counsellor at the Ministry of the Interior).

M. Béla de Szent-Istvány (Departmental Counsellor at the Ministry for Foreign Affairs).

ICELAND

Delegate :

His Excellency M. Sveinn Bjørnsson (Envoy Extraordinary and Minister Plenipotentiary, Representative of Iceland in Denmark).

INDIA

Delegates :

Sir Basanta Mullick, I.C.S. (Member of the Council of India, former Judge of the High Court, Patna).

Sir Ewart Greaves (former Judge of the High Court, Calcutta, Doctor of Law).

Mr. A. Latifi, M.A., LL.M. (Cambridge), LL.D. (Dublin), O.B.E., I.C.S. (Barrister-at-Law (England), Commissioner of a Division, Panjab ; former District Judge ; former Member of the Panjab Legislative Council and of the Indian Council of State).

Secretaries :

Mr. W. D. Croft (Principal, India Office, London).

Mr. C. H. Silver (India Office, London).

IRISH FREE STATE

Delegates :

Mr. John J. Hearne (Legal Adviser to the Department of External Affairs).

Mr. J. V. Fahy (Department of External Affairs).

Mr. Charles Green (Chief Inspector, Department of Fisheries).

Assistant Delegate :

Miss Kathleen Phelan (Barrister-at-Law).

ITALY

Delegates :

His Excellency Professor Amedeo Giannini (Minister Plenipotentiary, Councillor of State, Chairman of the Delegation).

Professor Giulio Diena (of the Royal University of Pavia).

Professor Arrigo Cavaglieri (of the Royal University of Naples).

Professor Gabriele Salvioli (of the Royal University of Pisa).

Technical Delegates :

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Staff Colonel Camillo Rossi (Military Attaché at Berlin).

Marquis Dr. Luigi Mischi (Colonial Director).

Don Carlo Cao (Barrister-at-Law, Colonial Director).

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Commendatore Manlio Molfese (Head of Department of the Civil Aviation and Air Traffic).

Secretary :

Dr. Giuseppe Enea Setti (Secretary at the Ministry for Foreign Affairs).

JAPAN

Delegates :

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His Excellency Viscount Kintomo Mushakoji (Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Sweden).

His Excellency M. Nobutaro Kawashima (Envoy Extraordinary and Minister Plenipotentiary to the President of the Hellenic Republic).

Technical Delegates :

M. S. Tachi (Professor at the Imperial University of Tokio, Member of the Imperial Academy, Associate of the Institute of International Law).

M. S. Sakuma (First Secretary of Embassy).

JAPAN *(contd.)*

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M. S. Hidaka (Secretary of Embassy, Secretary at the Japanese Bureau for the League of Nations).

M. S. Matsumoto (Secretary of Embassy).

Secretary-General :

M. S. Sakuma (First Secretary of Embassy).

Secretary :

M. Y. Konagaya (Attaché of Legation).

LATVIA

Delegates :

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M. R. Akmentin (Legal Adviser at the Ministry for Foreign Affairs, Professor in the Faculty of Law at the University of Riga).

Technical Adviser :

Admiral Count A. Keyserling (Chief of the Navy).

Secretary :

Madame M. Sanders (Secretary in the Section for the League of Nations at the Ministry for Foreign Affairs).

LUXEMBURG

Delegates :

M. Conrad Stumper (Doctor of Law, Counsellor of Government).

M. Albert Wehrer (Doctor of Law, Legal Adviser at the Ministry for Foreign Affairs).

Assistant Delegate :

M. A. Rueb (Doctor of Law, Consul at The Hague).

UNITED STATES OF MEXICO

Delegates :

M. Eduardo Suarez (Head of the Legal Department at the Ministry for Foreign Affairs).

M. Antonio Castro Leal (Observer of the Mexican Government attached to the League of Nations).

Secretary :

M. Fernández de la Regata (First Secretary of Legation to Her Majesty the Queen of the Netherlands).

MONACO

Delegates :

M. H. E. Rey (Consul-General at The Hague).

M. Hankês Drielsma (Barrister-at-law Rotterdam and Consul at Rotterdam).

NETHERLANDS

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Jonkheer W. J. M. van Eysinga (Professor of Law at the University of Leyden, Member of the Permanent Court of Arbitration).

Technical Delegates :

M. J. Limburg (Doctor of Law, Member of the Council of State).

M. J. Kosters (Doctor of Law, Counsellor at the Supreme Court).

M. J. P. A. François (Doctor of Law, Chief of the League of Nations Section at the Ministry for Foreign Affairs).

Delegates :

M. W. C. Beucker Andreae (Doctor of Law, Chief of the Legal Section at the Ministry for Foreign Affairs).

M. A. Neytzell de Wilde (Doctor of Law, former President of the " Volksraad " of the Netherland Indies, Chief of Division at the Colonial Ministry).

Technical Advisers :

M. G. H. Surie (Vice-Admiral (retired)).

Mme. L. C. Schönfeld-Polano (Doctor of Law, Director at the Ministry of Justice).

M. A. J. Hildebrandt (Doctor of Law, Director at the Ministry of Finance).

Secretaries :

M. J. C. Baak.

M. N. van Hasselt.

M. W. A. van Ravesteyn.

NICARAGUA

Delegate :

M. Tomás Francisco Medina (Permanent Delegate of Nicaragua accredited to the League of Nations).

NORWAY

Delegates :

His Excellency M. Arnold Raestad *(Doctor juris*, former Minister for Foreign Affairs).

M. Edvin Alten (Member of the Supreme Court).

M. Frede Castberg *(Doctor juris*, Professor at the University of Oslo).

NORWAY *(contd.)*

Technical Advisers :

M. L. J. H. Jorstad (Chief of Division at the Ministry for Foreign Affairs).

M. C. F. Smith (Counsellor of Legation, Consul at San Francisco).

M. Sigurd Johannessen (Director of Ministry).

M. Christopher Meyer (Commander, Royal Navy).

Secretary :

Mlle. Carmen Christophersen.

PERSIA

Delegate :

His Excellency M. Sepahbodi (Permanent Delegate accredited to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council).

Assistant Delegate :

M. A. Motamédy (First Secretary of Legation).

PERU

Delegates :

His Excellency M. Mariano H. Cornejo (Representative on the Council of the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic).

His Excellency M. Alejandro Puente (Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty).

POLAND

Delegates :

His Excellency M. S. Sieczkowski (Under-Secretary of State at the Ministry of Justice, Chief of the Delegation).

M. S. Rundstein (Doctor of Law, Legal Adviser at the Ministry for Foreign Affairs).

Professor J. Makowski (Doctor of Law, Chief of the Treaty Section in the Ministry for Foreign Affairs).

Technical Adviser :

Commander E. Solski (of the Staff).

Secretaries :

M. S. Lubomirski (Secretary of the Legation to Her Majesty the Queen of the Netherlands).

M. W. Kulski (Doctor of Law, Rapporteur in the Ministry for Foreign Affairs).

PORTUGAL

Delegates :

Dr. José Caeiro da Matta (Rector of the University of Lisbon, Professor at the Coimbra and Lisbon Faculties of Law, Vice-President of the Higher Council of Public Education).

His Excellency Dr. José María Vilhena Barbosa de Magalhaes (Professor of Law at the University of Lisbon, Member of the Committee of Experts for the Progressive Codification of International Law of the League of Nations, former Minister for Foreign Affairs, of Justice and of Public Education).

Dr. José Lobo d'Avila Lima (Professor of Law at the Universities of Lisbon and Coimbra, Legal Adviser at the Ministry for Foreign Affairs).

Technical Adviser :

Commander Marcelino Carlos (Director of Fisheries at the Ministry of Marine).

Secretary :

Dr. Antonio de Faria (Secretary of Legation at the Portuguese League of Nations Office in the Ministry for Foreign Affairs).

ROUMANIA

Delegates :

His Excellency M. Nicolas Titulesco (Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty, Professor at the University of Bucharest, Permanent Delegate accredited to the League of Nations, President of the Delegation).

M. Demètre Negulesco (Professor of International Law at the University of Bucharest, Deputy-Judge of the Permanent Court of International Justice, Associate of the Institute of International Law, Vice-President of the Delegation).

M. Constantin Sipsom (Professor of Civil Law at the University of Bucharest, Legal Adviser at the Ministry for Foreign Affairs).

M. Georges Meitani (Professor of International Law at the University of Bucharest).

Assistant Delegate :

M. N. Dascovici (Professor of International Public Law at the University of Jassy).

SALVADOR

Delegate :

His Excellency Dr. J. Gustavo Guerrero (Permanent Delegate accredited to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic).

UNION OF SOUTH AFRICA

Delegate :

Mr. C. W. H. Lansdown, K.C., B.A., LL.B. (Senior Law Adviser to the Government of the Union of South Africa, ex-Attorney-General of the Province of the Cape of Good Hope).

SPAIN

Delegates :

His Excellency M. Antonio Goicoechea (former Minister of the Interior, Member of the Permanent Court of Arbitration, Member of the Royal Academy of Naval and Political Sciences, Member of the General Codification Commission of Spain, Professor of International Law at the Diplomatic Institute, Madrid).

M. Ginés Vidal (Minister Plenipotentiary, Counsellor at the Embassy to the President of the German Reich).

M. Miguel de Angulo (Procurator-General of the Fleet).

M. Juan Gomez Montejo (Head of Department, Legal Adviser of the Ministry of Justice).

SWEDEN

Delegates :

His Excellency M. A. J. P. de Adlercreutz (Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands).

His Excellency M. A. E. M. Sjöborg (Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Italy).

M. K. K. F. Malmar (Director of the Legal Division at the Ministry for Foreign Affairs).

Technical Advisers :

M. K. S. T. N. Gihl (Chief of Archives at the Ministry for Foreign Affairs).

M. N. L. Åkerblom (Commodore, Chief of Section of the General Staff of the Navy).

Secretary :

M. T. L. Hammarström (Second Secretary of the Legation to Her Majesty the Queen of the Netherlands).

SWITZERLAND

Delegates :

M. Victor Merz (Federal Judge).

His Excellency M. Paul Dinichert (Minister Plenipotentiary, Chief of the Division for Foreign Affairs in the Federal Political Department).

Technical Delegates :

M. A. de Reding-Biberegg (Assistant at the Federal Department for Justice and Police).

M. Camille Gorgé (First Chief of Section at the Federal Political Department).

TURKEY

Delegates :

His Excellency Nousret Bey (President of the " Conseil d'Etat ", President of the Delegation).

Veli Bey (Legal Adviser of the Ministry for Foreign Affairs).

Dr. Chinasi Bey (Director at the Ministry of Justice).

UNITED STATES OF AMERICA

Delegates :

Mr. David Hunter Miller (Editor of Treaties, Department of State, Chairman of the Delegation).

Mr. Green H. Hackworth (Solicitor, Department of State).

Mr. Theodore G. Risley (Solicitor, Department of Labour).

Mr. Richard W. Flournoy, Jr. (Assistant Solicitor, Department of State).

Mrs. Ruth B. Shipley (Chief of the Passport Division, Department of State).

Technical Advisers :

Mr. Jesse S. Reeves (Professor of International Law, University of Michigan).

Mr. Edwin M. Borchard (Professor of International Law, Yale University).

Mr. Manley O. Hudson (Professor of International Law, Harvard University).

Commander A. A. Corwin (Naval Attaché).

Mr. S. W. Boggs (Geographer, Department of State).

Miss Emma Wold (Legislative Secretary of the National Women's Party).

Secretary :

Mr. Stanley Woodward (Secretary of Embassy).

URUGUAY

Delegate :

His Excellency Dr. Enrique Buero (Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians and to Her Majesty the Queen of the Netherlands).

YUGOSLAVIA (KINGDOM OF)

Delegates :

His Excellency M. Bochko Christitch (Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands, President of the Delegation).

Dr. Miléta Novakovitch (Professor at the University of Belgrade, former Judge *ad hoc* of the Permanent Court of International Justice).

YUGOSLAVIA (KINGDOM OF) *(contd.)*

Dr. Anté Verona (Rector of the School of Higher Economic and Commercial Studies at Zagreb).

Assistant Delegate :

Dr. Ivan V. Soubbotitch (Chief of Section in the Ministry for Foreign Affairs).

Technical Advisers :

Dr. Slavko Stoikovitch (Attaché at the Reparations Commission).

Mme. Anne Godyevatz (Graduate-in-Law).

And as OBSERVERS :

UNION OF SOVIET SOCIALIST REPUBLICS

His Excellency M. Dmitri Kourski (Ambassador to His Majesty the King of Italy).

Assisted by :

M. George Lachkevitch (Legal Adviser at the Embassy to the President of the French Republic).

M. Vladimir Egoriew (Legal Adviser at the " People's Commissariat " for Foreign Affairs).

PRESIDENT AND VICE-PRESIDENTS OF THE CONFERENCE

President :

H. HEEMSKERK, former Prime Minister of the Netherlands.

Vice-Presidents :

Mr. David HUNTER MILLER (United States of America).

Dr. HARUKAZU NAGAOKA (Japan).

M. Eduardo SUAREZ (Mexico).

Chairmen of the Committees and also Vice-Presidents of the Conference :

Committee on Nationality :
M. POLITIS (Greece).

Committee on Territorial Waters :
M. GÖPPERT (Germany).

Committee on Responsibility of States :
M. Jules BASDEVANT (France).

Secretary-General of the Conference :

M. J. A. BUERO, Legal Adviser to the Secretariat.

Assistant Secretary-General :

M. H. DANIËLS, Secretary at the Ministry for Foreign Affairs of the Netherlands.

The President and Vice-Presidents, with M. J. A. Buero, Secretary-General of the Conference, and M. H. Daniëls, Assistant Secretary-General, constituted the Bureau of the Conference.

TEXT OF THE DEBATES

FIRST PLENARY MEETING

Thursday, March 13th, 1930, at 11 a.m.

President : M. HEEMSKERK.

1. — OPENING OF THE CONFERENCE.

(The President welcomed His Royal Highness the Prince Consort.)

The President :

Translation : I call upon His Excellency Jonkheer Beelaerts van Blokland, Netherlands Minister for Foreign Affairs, to speak.

Jonkheer Beelaerts van Blokland (Netherlands) :

Translation : Your Royal Highness, Ladies and Gentlemen,— Her Majesty's Government is happy to be able to welcome the representatives of the many foreign Governments which have accepted the League's invitation to take part in this Conference for the Codification of International Law.

First, let me welcome the Secretary-General of the League of Nations. We greet him as the representative of the League itself, the organisation which has prepared and convened this Conference, and I am glad of this opportunity of affirming once more my country's unshakable confidence in the future of the League and its sincere devotion to the principles which must govern the League's work for the development of international co-operation.

I would not, however, merely greet Sir Eric Drummond as the representative of the League; I wish to greet him with equal cordiality as Sir Eric Drummond himself. I wish, Sir Eric, to tell you how glad we are to see you again with us. By the admirable manner in which you have created that remarkable organisation known as the Secretariat, by the ability with which you have chosen your fellow-workers and by the striking qualities which you have displayed in directing the Secretariat, you have earned our enduring gratitude.

Ladies and gentlemen, members of the delegations, Her Majesty's Government is happy to see you assembled on Netherlands soil. The task which lies before you — the framing of the rules of international law — is one that makes a special appeal to us. Is it because some of our most illustrious ancestors devoted themselves to the study and development of international law, thus enriching the world with works whose value has not been one whit impaired by the passage of time ? Possibly these factors have played some part in determining our attitude ; but there is, I think, another main reason for our interest in the question. It is this : experience has demonstrated with ever-increasing force that the development of law is the very corner-stone of the edifice of international organisation. If it is true that justice must abide at the root of all government, *justitia fundamentum regnorum*, how much more should this maxim apply to the organisation of the community of nations.

On many occasions in the past, the absence or inadequacy of rules of law has arrested the enthusiastic march of the nations along the path of progress. The hall in which we are now assembled, and which was also the meeting-place of the delegates to the second Peace Conference, has been itself a silent witness of this fact.

It was the absence of rules of law which, in 1907, prevented the definite establishment of compulsory arbitration ; it was the absence of rules of law which frustrated the first attempt to create a true world court, the International Prize Court. Yet again, it was the absence of rules of international law which — fortunately — did not frustrate, though it certainly retarded, the materialisation of the plan that the Advisory Committee of Jurists, convened by the League of Nations at the Peace Palace in 1920, had prepared regarding the compulsory jurisdiction of the Permanent Court of International Justice. Now, owing to the development of law, international jurisdiction will be able, in an ever greater measure, to extend its sway over the whole domain which must be entrusted to it if the nations are ever to wrest themselves free from that appalling calamity, war, which, like a nightmare of blood, still haunts one generation after another.

The eighth Assembly of the League of Nations was good enough to select this city for the

meeting of the Conference. " The Hague ", as the distinguished Rapporteur, M. Politis, whom we are glad to welcome here, said, with his accustomed eloquence — " The Hague, on account of its atmosphere of serenity, so precious to all who have stayed there, is the ideal place for an assembly met to co-operate in a difficult task, the success of which calls in a high degree for calm and reflection. " We are sure that you will find here this atmosphere of serenity.

The Council in its wisdom, by convening the Conference in the month of March, has made sure that you will not be disturbed by the song of the sirens, which, in the summer, is wafted landwards from the seaside resort of Scheveningen. For our part, we hope that you will remain until the atmosphere you are seeking here has become perfumed with the scent of our hyacinth fields, and until the monotony of the winter landscape is enlivened by the flamboyant tints of our national flower, the tulip.

I have now only to express, on behalf of Her Majesty's Government, our best hopes for the success of the Conference.

The President :

Translation : I call upon the Secretary-General of the League of Nations, Sir Eric Drummond, to speak.

Sir Eric Drummond :

Your Royal Highness, Your Excellencies, Mr. President, Ladies and Gentlemen,— It is the practice that, when the President of a Conference convoked by the Council of the League of Nations has been chosen by the Council, the opening speech shall immediately be made by him. Your President in this case may feel some restraint in referring to certain matters, and in any event the circumstances of the present Conference for the Codification of International Law are such that perhaps you will allow me the privilege of saying a few words as a preface to the speech which your President will shortly make and in which I understand he will survey your future work.

If there were no other reason for me to speak, I should wish to ask your permission to express my warmest thanks to the Foreign Minister of the Netherlands for the welcome which he has given to the Conference as a whole, and for the extremely — though, I fear, unduly — kind expressions which he has used about me personally. I am particularly grateful to him for the mention he has made of my colleagues, because any success that I may have had as Secretary-General of the League is due to their loyalty and efficiency. We all in the Secretariat deem it not only our duty, but our privilege, to serve the numerous countries which constitute the League of Nations.

The Conference which is about to begin is one of the most important yet convened by the League. It is the result of a decision taken by the competent organs of the League several years ago, years which have been spent in careful preparation and in taking the counsel of some of the greatest experts in the field of study which is now yours. Throughout this period no Government has shown a more active interest in this work than the Government of the Netherlands, a fact of which the Foreign Minister, as the eminent representative of that Government during its recent term of office on the Council of the League, has no need, I think, to be reminded. It was, moreover, in token of this special interest that the Council appointed as President of the Conference a citizen of the Netherlands, His Excellency M. Heemskerk, Minister of State, one time Prime Minister and Minister for Justice. I am sure that all delegates to the Conference will recognise in this appointment a deserved tribute to the Netherlands and a happy augury for the success of the Conference.

It will also be universally admitted that it was fitting to choose as the seat of the Conference the Netherlands, the home of Grotius and of many others renowned in the study and practice of international law. I am betraying no secret when I say that, in general, the Council of the League is very loath, for financial and other reasons, to convene conferences of this size elsewhere than at Geneva. In this case, however, the appropriateness of holding the Conference at The Hague was so keenly felt that the administrative difficulties were overcome, thanks, I should add, in a large measure to the generous assistance of the Netherlands Government. But not only are the traditions of The Hague admirably suited for the work which you are about to undertake, but the hospitality offered by the Netherlands Government and the material arrangements which it has made are such as to deserve the highest gratitude both of the League of Nations itself and of every delegate, whether representing a State which is a Member of the League or not.

In conclusion, I should be glad if I might be allowed to move that the Conference should express its appreciation by asking the Foreign Minister to transmit to Her Majesty the Queen the following telegram :

" This Conference for the Codification of International Law, which is to-day meeting in your Royal City of The Hague, a city intimately linked up with the international development of law and of justice, ventures, before beginning its work, to pray Your Majesty, not only to accept its thanks for the hospitality which Your Majesty and Your Majesty's Government are offering to it, but also to receive its most respectful homage and its sincerest wishes for the prosperity of Your Majesty, of the Royal

Family, and for the happiness of the country over which Your Majesty rules."

The Secretary-General's proposal was adopted.

The President :

Translation : Your Royal Highness, Your Excellencies, Ladies and Gentlemen, — Before we commence our work, I would like to extend to you all a cordial welcome on behalf of the Council of the League of Nations, which has convened this Conference and has honoured me by asking me to act as its President.

Let us look back and see what the League has already accomplished in the matter of the progressive codification of international law.

Before briefly reviewing, however, the League's activities in this domain, I must remind you of the efforts of certain Governments and of the enquiries conducted by various international associations, such as the Institute of International Law and the International Law Association.

You will remember, for instance, the conferences on private international law which have taken place from time to time at The Hague. You will have realised the valuable help afforded by various American Conferences which have considered the problem of codification. Indeed, we cannot but pay a tribute to the remarkable work accomplished both by the American Institute of International Law and by the various Conferences which have met at different times in the principal capitals of the New World. Lastly, I must mention the work in this domain of the Harvard Law School.

It is, however, peculiarly fitting that we should call to mind the Peace Conferences of 1899 and 1907, for, though the work there begun was overtaken by tragic events, we cannot fail to see in it the prelude of much that we are now, under happier auspices, attempting to achieve.

Those Conferences, like the present one, met in this city, the atmosphere of which is so suited to international discussions.

On the other hand, it is symptomatic of the recent development in international organisation that, whereas the Peace Conferences of 1899 and 1907 were convened by a single Government, the present Conference has been convened by fifty-four States Members of the League of Nations, and that several non-Member States have readily lent their support. Up to the present, no codification Conference has ever been so widely attended.

Our Conference will not have to grope its way ; much time has been spent in the careful preparation of its programme.

In pursuance of the resolution of the fifth Assembly of the League of Nations adopted on September 22nd, 1924, the Council appointed a Committee of Experts consisting of eminent lawyers of various nationalities. This Committee, with M. Hammarskjöld as its Chairman, was instructed to prepare a provisional list of the subjects of international law, the regulation of which by internationa agreement would seem to be desirable and realisable forthwith. The Committee was also called upon to consult the Governments of the various Member and non-Member States through the Secretariat, to examine the replies received, and to report to the Council on the questions which seemed to be sufficiently mature and the methods which the Conference might adopt for their solution.

After noting the report of the Committee of Experts, the eighth Assembly paid a well-merited tribute to its work. In its resolution of September 27th, 1927, it decided that the first Conference should deal with three subjects — nationality, territorial waters and the responsibility of States for damage caused in their territory to the person or property of foreigners. It requested the Council to appoint as soon as possible a Preparatory Committee composed of five persons possessing a wide kowledge of international practice, legal precedents and scientific data relating to the questions coming within the scope of the first Codification Conference, the duty of this Committee being to prepare a report comprising sufficiently detailed bases of discussion on each question, in accordance with the indications contained in the report of the First Committee.

This Preparatory Committee, consisting of Professor Basdevant (France) as Chairman, M. Carlos Castro-Ruiz (Chile), Professor François (Netherlands), Sir Cecil Hurst (Great Britain) and M. Pilotti (Italy), carried out its task most successfully. It first carefully indicated the points on which, through the Secretariat, the various Governments were to be asked to supply as definite information as possible from the three following points of view :

(a) The state of their positive law, internal and international, with, as far as possible, circumstantial details as to the bibliography and jurisprudence ;

(b) Information derived from their own practice at home and abroad ;

(c) Their wishes as regards possible additions to the rules in force and the manner of making good present deficiencies in international law.

After carefully examining the replies from a large number of Governments, the Preparatory Committee drafted three reports containing the bases of discussion which will form the groundwork of this Conference's proceedings.

It has also prepared a document the importance of which is obvious to all — the draft Rules of Procedure for the Conference.

It was not without due consideration that the Assembly selected from the seven questions indicated by the Committee of Experts the three we are now called upon to discuss. It also had good reasons for deciding on the method to be followed in the progressive

codification of international law. The decision was taken following on a complete and fully documented report by M. Politis.

The three questions were selected because they are of great practical importance, and are peculiarly suitable subjects for settlement in the form of an international Convention.

The " codification of international law " may be conceived in two ways. In its broader sense it may be taken to mean the collection of all the principles and rules of international law classified according to a general synthetic plan.

The codification which we are about to undertake is more modest in scope. The various States will merely accept, by common consent, certain rules of international law on certain definite subjects. They will embody these rules in conventions by which their future conduct will be governed. These various treaties will gradually, taken as a whole, come to form a code of international law, an incomplete code I admit, since it will leave certain fields of practice, jurisprudence and doctrine untouched, but still a code which will always be growing.

May I add just one or two observations of a practical as well as a theoretical nature ?

Doubtless the bases of discussion do not constitute draft treaties ; but we have not met together to waste our time in futile argument. We wish to achieve results and conclude treaties, adopted if possible unanimously ; but, if not, at any rate by the majority of the States represented. I suppose that, on this point, we agree with the draft Rules of Procedure proposed by the Preparatory Committee.

The treaties should contain general rules valid for all the contracting States. Nevertheless, in this respect, there is a difference between the first question, that of nationality, and the other two questions, namely, territorial waters and the responsibility of States. These last two questions are more nearly concerned with interstate relations, whereas the question of nationality directly affects the interests of the individuals concerned, and, as the bases of discussion demonstrate, nationality is primarily a matter coming within the sovereign jurisdiction of each State. It borders on the domain of private international law, and in numerous cases it will doubtless be impossible to adopt general fundamental rules. We shall have to content ourselves with regulating the conflict of laws.

Should we endeavour to prepare definite conventions ? Or should we also contemplate the possibility of declarations enunciating the rules which the signatory States hold to be the law as it at present stands ?

This point calls for careful consideration. Allow me to quote from the report of the Preparatory Committee, which says :

" The Committee is of opinion that the Conference should do everything in its power to secure unanimous agreement, and that, where agreement is reached, it should be definitely placed on record. Moreover, in conformity with the Assembly resolution, the draft rules recognise as being an act of the Conference any convention concluded by a majority of the States represented. Finally, it provides for a declaration, also representing the views of the majority and indicating what the States which subscribe to it regard as constituting existing international law.

" At this point the Preparatory Committee was confronted with the problem of the place which should be given in the work of codification to the conclusion of conventions conferring on the rules which they lay down the character of conventional law, and to the signature of declarations designed to recognise existing law. This problem is one of the special aspects of the problem of ' the spirit of codification' and is an exceedingly delicate matter. A particular Government which is prepared to sign some provision or other as a conventional rule might possibly refuse to recognise it as being the expression of existing law, whereas another Government which recognises this provision as existing law may not desire to see it included in a convention, being apprehensive that the authority of the provision will be weakened thereby. It did not appear to be possible to give a decision on this matter in the draft rules. That is a problem which the Conference will be better able to settle when it has definite stipulations before it. The attention of Governments should be drawn to the importance of this point.

" The solution which will be found for this problem involves certain consequences relating to the term of validity of the provisions adopted and the right to denounce them. While such a right is very natural in the case of a convention, it is much less so in the case of a declaration laying down the content of ordinary international law. "

As the Preparatory Committee says, the problem is a very difficult one, and we are inclined to doubt whether it will always be easy to draw a definite line between convention and declaration. In any case, considerable skill will be required to settle these points.

Of course, there is a body of international law which exists and is anterior to both codification and convention. It has found its expression in custom, case law and doctrine. There are certain principles which transcend the sovereignty of States, although they have not been imposed by any terrestrial super-sovereign. Sovereignty itself neither implies nor sanctions arbitrary action.

Had we been proposing to carry out the codification of international law according to a general synthetic plan, we would doubtless have had to give much consideration to these principles.

But we have undertaken a more modest task of progressive codification and need, I think, merely bear in mind these tenets of existing international law.

The questions submitted to the Conference are somewhat complicated ones, so much so that the Government replies to the Preparatory Committee have revealed a considerable difference of opinion. On the other hand, the

thorough preparation of this Conference, and, in particular, the great care which has been taken to consult the various Governments at different stages of the procedure, entitle us to hope that our discussions will bear fruit and allow real progress to be made in international law. This is the object we shall have in view when we settle down to our work. Whatever the difficulties that may arise, all the delegations are, I am sure, determined to do everything they can to help forward the solution of the problems now before us, and to adopt the texts of conventions.

According to the draft Rules of Procedure submitted to us — which we will have to examine first of all — three Committees will be set up: the first, for the question of nationality; the second, for that of territorial waters; and the third, for that of the responsibility of States. In the ordinary course of events, these Committees will meet simultaneously.

As soon as a decision has been reached regarding the Rules of Procedure, we shall have to constitute these Committees and settle down to work.

The Secretary-General of the League of Nations has informed me that, under the Council resolution of September 25th, 1929, he has appointed as Secretary-General to the Conference Dr. Buero, Legal Adviser to the Secretariat. Officials of the League Secretariat have been attached to Dr. Buero to form the Secretariat of the Conference.

I would add that M. Daniëls, of the Ministry for Foreign Affairs at The Hague, has been appointed by the Netherlands Government to co-operate with Dr. Buero.

I have still to say, on behalf of the Council of the League of Nations, how pleased we are to note the presence among us of several non-Member States.

Finally, in view of my nationality, I might, as a Netherlands subject, feel tempted to say how glad my country is to see this Conference meet on its territory; but I must remember that I am President of the Conference, appointed by the Council of the League of Nations, and I will merely note with extreme pleasure the very cordial welcome accorded by the Netherlands Government.

May our work, with God's help, contribute to the establishment of a new international order in conformity with the principles of law and equity, and to the development of international peace and concord.

I declare the First Conference for the Codification of International Law open.

2. — APPOINTMENT OF AN ASSISTANT SECRETARY-GENERAL OF THE CONFERENCE.

The President:

Translation: Before declaring this meeting closed, I propose that we should adopt an administrative measure. According to our Rules of Procedure, Dr. Buero will act as Secretary-General of the Conference and he will be assisted — and replaced when necessary — by other members of the Secretariat of the League.

Provision has also been made for an assistant Secretary-General, to be appointed by the Conference. I ask your permission to propose that you should appoint M. Daniëls, of the Ministry for Foreign Affairs of the Netherlands, to that office, in order to complete the Secretariat of the Conference.

The President's proposal was adopted.

3. — QUESTIONS OF PROCEDURE: COMMUNICATION BY THE PRESIDENT.

The President:

Translation: I will ask the delegates to hand in their credentials at once to the President, or, if they are not able to do so immediately, to the Secretariat at the beginning of this afternoon's meeting.

Secondly, I would ask the delegates to fill in, and hand in to the Secretariat, the forms which they will find in their places, giving information with regard to their addresses at The Hague.

I wish to remind you that, in the Rules of Procedure (Annex 1), it is proposed that three general Committees shall be appointed. I hope that we shall adopt our Rules of Procedure this afternoon and accept at once the principle of three Committees.

In order that the Committees may be set up as soon as possible, delegations are requested to fill in the forms which they will find in their places indicating the names of the representatives and technical experts who will serve on the different Committees. These forms should be handed in to the Secretariat at the beginning of this afternoon's meeting.

The election of the Chairmen of the three Committees might begin to-morrow morning at 10 o'clock. This point will be decided at this afternoon's meeting. In any case, each Committee might be allowed twenty minutes in which to elect its Chairman. A public meeting will then be held at 11 a.m.

The President's proposals were adopted.

The meeting rose at 12.10 p.m.

SECOND PLENARY MEETING

Thursday, March 13th, 1930, at 3.40 p.m.

President : M. HEEMSKERK.

4. — EXAMINATION OF THE DRAFT RULES OF PROCEDURE OF THE CONFERENCE.

The President :

Translation : I propose that we should begin the discussion of the draft Rules of Procedure forthwith (Annex 1). As you have no doubt noticed, most of the rules in this draft cannot give rise to any discussion. This, however, is not the case with regard to Rules XX, XXI, XXIII, XXIV and XXV. When we have considered the other rules, we shall see what solution we should adopt for these five.

There may be a discussion on Rule X, and Rule IX should perhaps be slightly amended. This rule states that :

> " A Drafting Committee, composed of five members, shall be entrusted with the co-ordination of the acts adopted by the Conference. "

The Secretary-General and I have considered the question, and we think that it would be better to set up a Committee of six members. I therefore propose that the word " five " should be replaced by the word " six ".

I would ask you to vote on Rules I to IX.

The first nine rules were adopted.

RULE X.

Mr. Miller (United States of America) :

Mr. President, — Speaking for the delegation of the United States of America, I propose that the third paragraph of Rule X be changed so as to read :

> " Meetings of the Committees shall be private unless in any particular case the Committee shall decide otherwise. "

We wish to suggest that the choice between publicity or otherwise should be left to each Committee to decide for itself, and that the final decision should not now be taken by the Conference by saying that the meetings of the Committees shall be private.

The proposal of the United States delegation was supported by **M. Politis** (Greece), **M. Matter** (France), **M. de Adlercreutz** (Sweden) and **M. Bozinov** (Czechoslovakia).

M. Giannini (Italy) :

Translation : The Italian delegation does not approve of the United States proposal. The work of a Committee should only be made public when it submits its report in plenary session. Discussions in Committees are a matter for the Committees themselves and should therefore be private.

M. Cohn (Denmark) :

Translation : The Danish delegation desires to support the proposal made by the United States delegation as being in accordance with the practice followed at Geneva, where the public is admited to meetings of the Committees.

The President :

Translation : Perhaps I may remind you that Mr. Miller's proposal should not be taken to mean that all meetings of Committees will be public. The Committees themselves will decide this point.

It seems to me that we can take the sense of the Conference by a show of hands.

(The vote was taken by a show of hands. Thirty-three delegations were in favour of Mr. Miller's proposal and two opposed it.)

The proposal of the United States delegation was adopted.

Rule X as amended was adopted.

RULE XI.

M. Sjöborg (Sweden) :

Translation : It is stated in paragraph I of Rule XI that, for meetings of the Committees, only summary reports will be drawn up. In view of the decision just taken by the Conference, a verbatim report will be required when the meetings are public, each Committee having the right to decide that the public may be admitted to a particular meeting.

The President :

Translation : The Swedish delegate's observation is a perfectly sound one. A full record is more useful in the case of a public meeting of a Committee than of a private meeting. Committees will be able to get into touch with the Secretary-General of the Conference so as to arrange for Minutes of their public meetings.

It might perhaps be possible to add to Rule XI : " Whenever the need is felt ". No

special formula has, however, been submitted to me, and it would perhaps be better not to improvise one, but to adopt Rule XI as it stands with a note in the record of the present meeting to the effect that, when a Committee sits in public, it should get into touch with the Secretary-General of the Conference in order to arrange for the necessary Minutes to be taken.

M. Giannini (Italy) :

Translation : Mr. President and Gentlemen, — I should like to make myself quite clear on this occasion, for perhaps I did not do so a moment ago. What is our object in coming here ? We are here, I think, to do useful work — at least, that is the intention of the Italian delegation.

Now that the United States proposal has been adopted, a request is being made, as you observe, that, when a meeting is held in public, a full record should be kept. This question seems to me to be of very small importance.

I should, however, like to draw the attention of the Conference to the advisability of laying down a general rule which might, I think, be easily covered by the addition of the words " as a general rule " after " shall be drawn up ". The Committees may perhaps hold meetings which, in view of the importance of the discussions or of the decisions adopted, may necessitate a full record.

I think we should also take account of the technical aspect of the Conference. By adopting the words I have proposed, we are in a position to take account of purely technical reasons as well.

The President :

Translation : I think that M. Giannini's proposal is a perfectly good one. The proposal, however, has its advantages and disadvantages. The chief disadvantage is that delegates may perhaps speak to the gallery. I hope that no one will take offence at this statement ; but it is a temptation to which we are all exposed and to which we sometimes yield. The advantage is that in some cases a full record may help to explain the articles which have been adopted.

As you are aware, the various Governments whose duty it is to submit to their Parliaments for ratification the Conventions adopted as a result of international agreement are not always in a position to give authoritative interpretations. These interpretations must sometimes be taken from the records of the discussions.

Whenever the need is felt, Committees may therefore arrange with the Secretariat to obtain a full record of their discussions so that explanations may be furnished of the texts adopted. This can be done if the proposal made by M. Giannini is adopted. If the question is settled thus for the present, we can see whether the rule works well in practice or whether difficulties are experienced later.

Rule XI, with the amendment proposed by M. Giannini, was adopted.

RULES XII TO XIX.

M. de Berczelly (Hungary) :

Translation : I would ask that the Rules of Procedure of the Assembly of the League of Nations, referred to in Rule XIV, should be circulated to us. The delegates are not all acquainted with these rules.

The President :

Translation : The Secretariat will try to circulate these rules to the Conference.

Does any other delegate wish to speak ?

Rules XII to XIX were adopted.

Rule XXII was adopted without observation.

RULES XX, XXI, XXIII, XXIV AND XXV.

The President :

Translation : As regards Rule XX, which deals with provisions adopted by a majority, a decision will have to be taken regarding that majority.

Rule XXI is related to Rule XX.

Rule XXIII deals with acts which have been adopted unanimously, and Rule XXIV with those adopted by a majority only. This is a question which must be examined fairly closely, although in my mind we should maintain the principle that we must adopt unanimous resolutions. Unless we do so, we cannot have any codification of international law. In order, however, to obtain a precise wording it would perhaps be better to examine the question more thoroughly.

Rule XXV states that declarations by which the signatory Governments will recognise certain principles as being sanctioned by existing international law may also be signed as acts of the Conference. That is a point to which I ventured to draw the attention of the members of the Conference in the speech which I delivered this morning.

The idea of the Secretariat and of myself is that we might perhaps refer the consideration of these rules to the Bureau when it is set up.

Some delegates would like a special Committee appointed to consider these rules. If any members wish to discuss this suggestion, I call on them to speak now.

M. Alvarez (Chile) :

Translation : The provisions contained in Rules XX, XXI, XXIII, XXIV and XXV are of vital importance, seeing that they affect the very substance of the Conference's work. They must therefore be examined very carefully by the Conference. The questions connected with these rules, such as that of the majority and the minority vote, the question relating to the declaratory character of certain acts of the Conference, and other points as well, must be carefully examined. In view of the importance of these subjects, two methods may be adopted. We can either at once appoint a Committee consisting of ten or fifteen members who will report after a thorough examination, or we may reserve the provisions

in these rules and deal with them later when we see the direction which the work of the Conference is taking.

I do not think it necessary to adopt a resolution on this point immediately, as the course of events might compel us to modify it. In my opinion, it would be best to wait and see the general tendency of our work. In addition to the questions relating to the majority and minority and the declaratory character of certain acts, which are referred to in the Rules of Procedure, others may arise which are not mentioned in the rules in question and for which a solution must also be found.

Of the two proposals I have made, I have no decided preference for either, though I incline to the second, which is that we should postpone these questions for settlement at a later date.

M. De Visscher (Belgium) :

Translation : The Belgian delegation wishes strongly to support the proposal made by M. Alvarez. It does so for the following reasons. It considers that it would be most undesirable to tie the hands of delegates at the present time in regard to questions of a very delicate character. Our President himself in his speech this morning, and M. Alvarez a moment ago, insisted, in particular, on the very difficult point raised by the distinction between the declaratory or constitutive character of certain questions. These are matters on which we can only give an opinion when we have gone somewhat further with our work.

I would therefore propose that we should not bind ourselves at present, and not lay down too precise and rigid stipulations which we might subsequently regret. We should, therefore, for the moment, hold over the provisions in question.

When we have had some experience and our work has progressed a little further, we can then entrust to our Bureau the duty of framing provisions corresponding more or less closely to the substance of the rules laid before us. Our decision will be taken only when experience has suggested the solutions which should be adopted.

Meantime, it would appear advisable for the various Committees to forward their suggestions in writing to the Bureau. Such suggestions would prove useful for our guidance.

Under these circumstances, the Belgian delegation supports the proposal of the Chilian delegate.

M. Politis (Greece) :

Translation : I have no desire to oppose the proposal which has been made by my friend M. Alvarez and seconded by Professor De Visscher, though in my opinion the provisions we have before us are not in any sense of an imperative character.

It is not true to say that, if we adopt Rules XX and XXV, the Conference would at once be tying the hands of its members, seeing that these provisions are permissive in character. Article XXV, in particular, states that the Conference " may ".

Accordingly, the Conference would always have the power at any moment to say whether decisions on any particular question should form the subject of a declaration or of a Convention strictly so called.

I wish to say once again, however, that I do not object to the proposal, since the result will be the same as if we kept the present rules. Whether these questions are held over, or whether we now accept the rules as drafted with their permissive character, the result will be identical.

I would not have asked to speak unless I had something more than that to say. There is, however, one point on which I consider that we should be quite clear at the outset of our work, so that there should be no misunderstanding. Rule XX refers to decisions which may be adopted unanimously. It is undoubtedly the wish of all of us that we should be able to take unanimous decisions.

The rule, however, also refers to decisions which may be adopted by a majority. I think I may assume that it was not without good reason that this rule was inserted.

When the League was examining the bases for the first Codification Conference, its attention was drawn to the difficulties which had already been experienced in practice owing to the fact that, in the absence of any rules on this point, certain States claimed the right to prevent the vast majority of a Conference from taking a decision on behalf of the Conference.

It was generally agreed at the League that these difficulties should not be allowed to recur in future. I think I am right in stating that this is the reason for Rule XX of the draft Rules of Procedure which you have before you.

What I wish to say is that, even if we accept the proposal of M. Alvarez, to which, I would repeat, I have no objection, it must be understood that no State or minority group of States will be permitted at this Conference to prevent the majority from embodying the results of its deliberations in a diplomatic instrument.

M. Giannini (Italy) :

Translation : If the other delegations have no objection to these rules, the Italian delegation for its part will not oppose their adoption. It considers that they are almost useless for a Conference doing practical work, seeing that all possible solutions are regarded from a permissive point of view.

However, it appears to me to be difficult to lay down rules which are too hard and fast and too general in character. I think that each Committee should be allowed to ascertain the form in which an agreement can be reached. I would therefore propose that Rule XXI should be slightly amended, and that the words " and the form which may be given to the same " should be added after " whether it regards certain drafts ".

I have nothing to say on Rule XXII, which has already been adopted by the Conference. If Rule XXI is amended as I have proposed,

then we shall have — with that rule and Rule XXII — all that we require for our work.

I am well aware of the anxiety felt by certain delegates. They consider that the Rules of Procedure for this first Conference on the Codification of International Law should also be codified, so as to provide regulations for future Conferences. For my part, I am rather apprehensive of codifying the Rules of Procedure at present. Should we think it necessary, later on, to lay down definite Rules of Procedure, we can effect this codification at the close of our work.

I would, however, say once again that, if we amend Rule XXI in the way I have just suggested, it appears to me to be enough for the moment and will enable us to complete our work.

M. Guerrero (Salvador) :

Translation : M. Alvarez is of opinion that we should not bind ourselves at present in regard to questions so important as those dealt with in Rules XX, XXI, XXIII, XXIV and XXV, and that a solution might be found later. I agree with him, at least in regard to the question of tying our hands.

I consider, however, that the worst method we could adopt would be to leave the solution of this question to the end of our work. I think, indeed, that these problems should be examined at once, for delegates must know what value is to be assigned to their vote when they have to take decisions in the various Committees. This appears to me to be an essential point. In particular, if we know that no reservations will be allowed, we may vote differently.

I therefore think that we should at once appoint a Committee to go into these questions. I would suggest that the Committee consist of the members of the Bureau and of five or six members of the Conference. After examining the question, this Committee would communicate its views, and we could take a final decision in the matter in ten days at most.

M. Rolin (Belgium) :

Translation : I also think that it is impossible to attach too much importance to the question now before us. I do not, indeed, consider, as M. Guerrero does, that the work of the Committees would be paralysed so long as these questions are not settled. My opinion is based on other grounds. The Committees may begin their work merely by examining the substance of the various questions laid before them, and may ascertain the views of the delegations. Afterwards, they could decide on the form which the decisions should take.

It is also undeniable that it would be unwise to arrive at any definite opinion as to the form which our codification is to take until we are acquainted with the result of the work done by the Committees. Nevertheless, the questions which will arise at the close of our work are too serious to be settled by hastily improvised and last-moment solutions in accordance with the preferences of the various Committees.

If we wait for the suggestions, the proposals, the decisions and the preferences of the Committees, there is a danger that the latter may move in different directions. These directions may all be perfectly good, but we shall encounter very serious difficulties owing to the fact that the Committees will be acting simultaneously.

We are anxious to carry out a codification of international law. Great disappointment will be felt if we fail in this work in regard to one of its essential aspects; that is to say, the form of the international law which we shall embody in various texts — I mean, if we produced texts that were not in harmony with each other and that allowed, according to circumstances, reservations in respect of some Conventions and not of others.

It is therefore absolutely essential to ensure this co-ordination, which, according to the Rules of Procedure, is required in the matter of drafting. The word " drafting " must be taken in a wide sense.

I have been struck by another point. In the documents submitted to us, we have very valuable material on the several questions submitted to the Conference. As far as the form which the legal regulations should take, we have very little to guide us. We have no true basis of discussion. In particular, we possess no concise documentation. We can form a conception of this documentation, but we have not collected the necessary material, though it would be very useful to enable delegates to see what has been done and what can be done.

In addressing the Conference, I have accordingly two objects in view. First of all, I should be glad if the Bureau or the Drafting Committee, or the two combined, would propose amendments to the last rules in the draft Rules of Procedure, or, if that is not possible, at least to examine them and to get into touch with the Committees, so as to be able to lay before them concordant solutions at the right moment.

I shall now make another suggestion. It is our good fortune to have here a great many members of the Legal Section of the Secretariat of the League of Nations. We are familiar with the character of their work, and I should be glad if it would be possible for them to examine the very numerous and varied Conventions which have been framed since the war and to give in a few pages the clauses relating to denunciation, term of validity and ratification. I am thinking more particularly of the Labour Conventions, which lay down a special procedure in regard to revision.

I feel that there is a great difference between this Conference and the many Conferences which have preceded it. This is due to the object of our Conference and the fact that, if we are successful, it will be followed by others. I should like to see whether we cannot, on the basis of our work, really frame these international Conventions on lines corresponding to the legal principles laid down by our ablest jurists, principles which would enable us to advance confidently with the work of codification.

M. van Eysinga (Netherlands) :

Translation : The Netherlands delegation notes two points in this very interesting discussion. First of all, we are dealing with a matter of the highest importance for the present Conference. Secondly, the question is complicated and not at all easy to settle.

I shall say at once that we agree with M. Rolin's proposal as regards the great value of a compilation of formal clauses.

I think that, after the exchange of views we have had this afternoon, we ought all of us to reflect on the questions submitted to us relating to the formal stipulations of the Conventions.

As I understood his statement, the President's idea was to obtain suggestions which would later enable the Bureau, not to impose a solution on the Conference, but to make proposals in regard to the highly important formal part of our work, and thus allow us to arrive at a wording capable of meeting the wishes of all the members. I therefore venture, on behalf of the Netherlands delegation, to support the President's proposal. As I understand it, it is, I would repeat, that all suggestions put forward will be sent to the Bureau for examination. The Bureau will then take a decision. It may, if it considers this desirable, propose the appointment of a special Committee or of a Committee on which all delegations might, if necessary, be represented. That is a matter which we leave to the wisdom of the Bureau.

I think that this discussion has been very valuable. Ideas have been thrown out which may be of great assistance to the Bureau. The three Committees can now begin their work on the substance of the questions before them. In a few days they will receive new proposals from the Bureau in regard to the formal part of their task. This is the sense in which I support the proposal laid before us.

The President :

Translation : I think we have now reached a point in the discussion where I can sum it up.

We have before us three proposals. My own proposal is that the rules in question should be referred to the Bureau. M. Alvarez suggests the appointment of a Committee. He has, however, made a second proposal, which would seem to mean that he has withdrawn his first. He has, indeed, put forward a second suggestion which amounts simply to holding over the rules in question. Lastly, we have a proposal by M. Guerrero to refer the rules to the Bureau and to add to the latter some of the members of the Conference.

M. Giannini has raised another point by proposing an amendment to Rule XXI.

M. Rolin has expressed a wish that we should have before us the texts of various clauses occurring in various Conventions and relating to denunciation, term of validity and ratification. It will be the duty of the Secretariat to obtain these documents. Application will have to be made to Geneva, and, if too much time is involved, we may then decide that it is not absolutely necessary to wait for the arrival of the documents in question. At the present time we cannot make any definite promise. We may, however, rely on the goodwill of the Secretariat, and it will certainly do everything it can.

In my view, it would be undesirable to appoint a Committee at once to examine these rules. I cannot indicate in advance the composition of this Committee. If, however, the rules in question are held over and referred to the Bureau, the latter will not remain idle. It will examine the texts of the rules and will make use of the experience gained in the Committees on this matter. The Bureau will consist of the President, the Chairmen of the Committees, who will be appointed to-morrow, and the three Vice-Presidents of the Conference. Under these circumstances you will see that, from the very constitution of the Bureau, it will always be in touch with the Committees. The Chairmen of the Committees will give the Bureau and the Secretariat all the information necessary for the solution of the problems arising in the Conference.

I am largely of M. Politis's opinion. These rules are permissive in character, and we must guard against the danger that a Convention which is accepted by a large majority may not be included in the acts of the Conference owing to the fact that complete unanimity is not secured. That is the reason why we must examine Rule XX very carefully. In view of its wording, the rule presents certain dangers owing to the requirements it makes in regard to the majority. There can be no objection on that score to sending the rule to the Bureau for consideration.

Rule XXV raises a question of principle. The Bureau must examine this question of drafting very carefully. It will have to take into account the work done in the Committees in this connection.

It appears from what I have just said that the result will be the same no matter what solution is adopted, whether that proposed by M. Alvarez or that which provides that the rules should be sent to the Bureau. The only point we have to settle now is whether the Bureau should, if necessary, be strengthened by the addition of a few members of the Conference. I think that we might postpone a decision on this matter until later.

If these rules are reserved, and if it is decided to refer them to the Bureau, the latter will, whatever formula is adopted, be obliged to follow the work that will be done on this matter. I accordingly think that there will be no harm in adopting the proposal I have made, together with the second proposal of M. Alvarez, for both lead to absolutely the same result.

We can take a decision later on the further proposal of M. Guerrero—that it would be advisable to add a few members of the Conference to the Bureau later on for the examination of these questions.

M. Alvarez (Chile) :

Translation : When I proposed a moment ago that this question should be postponed, I did not mean, as some of my colleagues appear to think, that we should postpone it until the end of the Conference. What I said was that we should not immediately settle the point, and that we should wait for some time, say a few days, until we saw what direction the work of the Committees was taking ; I added that the Committees might themselves suggest other questions for examination for which a solution also would have to be found.

The present Conference has one feature which distinguishes it from all other Conferences which have hitherto been held, even under the auspices of the League. This is the first Conference for the codification of international law. The very word " codification ", and still more the idea of the codification of international law, suggest, whether we like it or not, a number of problems that must be solved ; otherwise, we shall be working on an unsure foundation. The idea by which we are guided is that our work must be as complete as possible.

There are many problems raised by codification ; I had the honour to indicate them in the report I submitted at the last session of the Institute of International Law. This is not the time or the place to repeat what I then said. I now think that the best thing to do is to appoint a Committee, which would begin by obtaining the opinions and suggestions of the various delegations on the problems before them, for all of which a solution must be found. In order to lose no time, that Committee should consist, as far as possible, of persons who are in a position to study all the questions and all the documentary material which will contribute to a solution. I think I have shown you the importance of appointing this Committee and the importance of the work which it will have to do.

The President :

Translation : M. Alvarez has again put forward his first proposal, which he had passed over for the second. I think that I can now put to the vote M. Alvarez's second proposal combined with my own; that is to say, the proposal to hold over the rules in question and refer them to the Bureau.

I shall therefore put this motion to the vote.

The proposal was adopted.

5. — ELECTION OF THE COMMITTEE ON THE CREDENTIALS OF DELEGATES.

The President :

Translation : We have now to appoint the Committee on Credentials. I venture to propose the following as members :

His Excellency M. G. DE VIANNA KELSCH (Brazil) ;

M. Alexandre VARMA (Estonia) ;

Sir Ewart GREAVES (India) ;

His Excellency M. DE ADLERCREUTZ (Sweden) ;

Dr. Miléta NOVAKOVITCH (Kingdom of Yugoslavia).

I suggest that M. DE ADLERCREUTZ should be appointed Chairman of the Committee.

The above proposals were adopted.

6. — PROCEDURE : COMMUNICATION BY THE PRESIDENT.

The President :

Translation : I propose that the three Committees should meet to-morrow morning to elect their Chairmen.

This proposal was adopted.

The President :

Translation : As soon as the Chairmen of Committees have been appointed, we shall hold a plenary meeting to hear the result of the elections and to elect three Vice-Presidents of the Conference.

After the election of the three Chairmen of Committees and the three Vice-Presidents of the Conference, the Bureau will be complete and will meet at the close of the sitting to-morrow morning or in the afternoon to make a few arrangements for the Conference.

At its meeting the Bureau will also consider the question of the appointment of a Drafting Committee. The Conference will be able to appoint this Committee at its plenary meeting to-morrow afternoon.

Like all other assemblies, the Conference has naturally complete liberty to arrange for any discussions it thinks necessary. We must bear in mind, however, that a general discussion in any case has never anything more than a relative value, and that the main thing is to act and not to speak too much. The Conference will decide this point at its meeting to-morrow afternoon, when it has terminated the necessary preparatory work to which I have referred.

The Conference rose at 5.30 p.m.

THIRD PLENARY MEETING

Friday, March 14th, 1930, at 11 a.m.

President : M. HEEMSKERK.

7. — ANNOUNCEMENT OF THE CHAIRMEN OF THE COMMITTEES.

The President :

Translation : I have pleasure in announcing that the First Committee (Nationality) has elected M. POLITIS (Greece) as its Chairman ; the Second Committee (Territorial Waters), M. GÖPPERT (Germany) ; and the Third Committee (Responsibility of States), M. BASDEVANT (France).

I am sure that we can confidently entrust these three Chairmen with the duties which are assigned to them.

8. — APPOINTMENT OF THREE VICE-PRESIDENTS OF THE CONFERENCE.

The President :

Translation : We have now to appoint three Vice-Presidents of the Conference. I would point out that the Chairmen of the three Committees belong to the European Continent. I think it would be well to select the three Vice-Presidents of the Conference from representatives of America and Asia. I would, therefore, venture to propose Mr. MILLER, first delegate of the United States of America; as representing English-speaking America, M. SUAREZ, delegate of Mexico, as representing Latin-America; and M. NAGAOKA, first delegate of Japan, as representing Asia.

This proposal was unanimously adopted.

The Conference rose at 11.15 a.m.

FOURTH PLENARY MEETING

Friday, March 14th, 1930, at 4 p.m.

President : M. HEEMSKERK.

9. — TELEGRAM FROM HER MAJESTY THE QUEEN OF THE NETHERLANDS.

The President :

Translation : It is my agreeable duty to communicate to the Conference the following telegram from Her Majesty the Queen addressed to Sir Eric Drummond, Secretary-General of the League of Nations :

" While requesting you to forward to the Conference for the Codification of International Law, which I am glad to welcome to The Hague, my sincere thanks for the telegram which I have just received and for the wishes therein expressed, I desire to assure you of the warm interest which I take in its work.— WILHELMINA. "

10. — REPORT OF THE COMMITTEE ON THE CREDENTIALS OF DELEGATES.

The President :

Translation : The first item on the agenda is the report of the Committee on Credentials. I call upon the Chairman of that Committee, M. de Adlercreutz, to read his report.

M. de Adlercreutz (Sweden), Chairman and Rapporteur of the Committee on Credentials :

Translation : The Committee appointed by the Conference to verify the powers of the delegates has examined the documents communicated to it by the Secretariat. It has found that the delegates of the following States have

produced full powers from their Head of State :

Germany, United States of America, Austria, Great Britain, Chile, Cuba, Denmark, Free City of Danzig, Egypt, Estonia, Iceland, India, Japan, United States of Mexico, Poland, Switzerland, Uruguay.

The full powers for these seventeen countries hold good both for the negotiations and the signing of the conventions which may be concluded.

The delegates of Portugal are, in accordance with a telegram from their Government, duly accredited to negotiate and to sign the instruments concluded by the Conference.

The delegates of the following States produced autograph letters from their Head of State appointing them as representatives to the Conference :

Finland, Latvia, Norway, Sweden.

The delegates of the following States have received powers from the Prime Minister of their country authorising them to take part in the Conference, or have been accredited either by means of a true copy of the decree of appointment or by a notification forwarded to the Secretary-General of the League by the Minister for Foreign Affairs, by the representative permanently accredited to the League of Nations or, lastly, by a diplomatic representative of the Government in question.

Union of South Africa, Belgium, United States of Brazil, Bulgaria, Canada, China, Colombia, Czechoslovakia, France, Greece, Hungary, Irish Free State, Italy, Luxemburg, Monaco, Netherlands, Nicaragua, Persia, Roumania, Salvador, Spain, Turkey, Yugoslavia.

In the opinion of the Committee on Credentials, the delegates of the States mentioned above are duly accredited to take part in the work of the Conference.

The Committee ventures to propose that the Conference should ask the delegates in the last two groups of States mentioned, who have not been accredited to sign the acts which may be adopted by the Conference, to be good enough to obtain, if they think this desirable, an authorisation for the purpose before the close of the Conference.

The Union of Soviet Socialist Republics has appointed delegates to follow the work of the Conference as observers.

The Committee on Credentials has learned of the absence, owing to illness, of a number of delegates. It believes it is voicing the feelings of the Conference in expressing its regret at being deprived of their co-operation and in hoping that they will speedily be restored to health and so be able to take part in the work of the Conference at an early date.

The President :

Translation : I beg to thank the Chairman of the Committee on Credentials for his report and the Committee itself for the work it has done.

According to the report of the Committee on Credentials, all the delegates may be admitted to the Conference. I venture to draw your attention, however, to the Committee's proposal to ask the delegates in the last two groups, numbering twenty-seven countries, who have not been accredited to sign the acts which may be adopted by the Conference, to be good enough to obtain, if they think this desirable, an authorisation for this purpose before the close of the Conference.

If the work of the Conference is carried through successfully, it is obviously desirable that all delegates should be in possession of powers to sign the conventions which may be adopted.

The conclusions of the report of the Committee on Credentials were adopted.

11. — NOMINATION OF THE MEMBERS OF THE DRAFTING COMMITTEE OF THE CONFERENCE.

The President :

Translation : Yesterday we decided that the Drafting Committee should consist of six members. According to our Rules of Procedure, the Bureau of the Conference has to make proposals, and it suggests that the Committee should consist of the following members.

Mr. BECKETT (Great Britain),
M. CRUCHAGA-TOCORNAL (Chile),
M. GIANNINI (Italy),
Dr. HUDSON (United States of America),
M. PÉPIN (France),
M. ROLIN (Belgium).

The above proposal was adopted.

12. — ARRANGEMENTS FOR THE WORK OF THE CONFERENCE.

(a) WORK OF THE COMMITTEES.

The President :

Translation : The Bureau proposes that the First Committee (Nationality) and the Second Committee (Territorial Waters) should meet every morning at 10 o'clock. The Third Committee (Responsibility of States) will meet at 3 p.m.

The Chairmen of the Committees are, of course, fully empowered to alter the hours for the opening of meetings according to circumstances.

A Drafting Committee will also be set up by each Committee.

(b) PROCEDURE FOR SUBMITTING PROPOSALS REGARDING THE BASES OF DISCUSSION OR OTHER PROPOSALS.

The President :

Translation : The Bureau has decided that, in order to facilitate the work of the Conference, delegations having proposals to make on the various Bases of Discussion, or amendments to

submit to the texts laid before the Committees, should forward their communications as soon as possible to the Bureau of each Committee, so that members may be acquainted with their contents.

The same observations apply where proposals are made on a subject not mentioned in the Bases of Discussion.

M. Politis will briefly indicate to you the reasons for this proposal.

M. Politis (Greece) :

Translation : I have great pleasure in accepting our President's invitation to explain to you in a few words the importance of the observation which has just been made.

The Rules of Procedure which were adopted yesterday give the various delegations the right to submit amendments. The rules state that amendments or proposals must be sent in in writing to the Chairmen of Committees, who will undertake to have them circulated and to submit the texts for discussion on the following day. The rules accordingly allow for an interval of at least twenty-four hours, at any rate as a general rule. It is further stated that the Chairmen of Committees may permit immediate discussion of proposals submitted by the delegations, if that is possible.

Experience has shown that the examination of a text is often hampered, and even rendered very difficult, unless members have before them, at the same time as the various proposals made to supplement or amend it, the text itself. Recent experience has even taught us that the work of Committees is entirely prevented by the somewhat anarchical exercise of the right to move amendments.

It is therefore highly desirable, in the interests of our work and of its clarity and speedy despatch, that all proposals to supplement or modify the Bases of Discussion, or to submit to the Committees new texts departing from the bases already laid before us, should be sent in as soon as possible. This will give the Secretariat time to have them translated and circulated and will enable the various delegations themselves to study them before they come up for discussion.

The expression " as soon as possible " is obviously somewhat elastic. It will be the duty of each Chairman of a Committee to decide what may be a suitable period to attain the object I have just indicated.

In my opinion, it would be desirable for each delegation to examine forthwith the proposals it intends to submit, either as amendments to the Bases of Discussion or as new proposals departing from these bases. No doubt it will be difficult for some of you to take in the entire programme of the Conference and to submit immediately all the proposals you intend to put forward. An effort may, however, be made at least to perform this work in part — say, a-third or a-half — in each Committee. I would strongly recommend that, on Monday morning at latest, the delegations should submit to the Bureau of the Conference, at least as regards a-third of the Bases of Discussion and related questions on which new proposals may be presented, the texts which they would like to have circulated.

If the Conference shares this view and recommends its adoption, the Chairmen of the Committees will make a point of following this recommendation as closely as may be allowed by the exigencies of the work.

I think, however, that, in the interests of our work we should, one and all, do whatever is required to secure a rapid and successful termination of the duties which we are about to undertake.

The President :

Translation : You will understand, ladies and gentlemen, that the Bureau does not intend to submit a resolution on this matter. The statement which I made on behalf of the Bureau and the declaration of M. Politis merely constitute a recommendation to the delegations. I think I am right in saying that there is no need to open a discussion on this point.

(c) QUESTION OF THE DESIRABILITY OF A GENERAL DISCUSSION.

The President :

Translation : The Bureau has considered the question of the desirability of a general discussion, and has come to the conclusion that there is no need for such a discussion. Does any member wish to raise any objection to this proposal ?

The proposal was adopted.

The Conference rose at 4.50 p.m.

FIFTH PLENARY MEETING

Thursday, April 3rd, 1930, at 10 p.m.

President : M. HEEMSKERK.

13. — NOTIFICATION BY THE AUSTRALIAN DELEGATION OF FULL POWERS TO NEGOTIATE AND SIGN THE INSTRUMENTS OF THE CONFERENCE.

The President :

Translation : Gentlemen, — In opening the meeting, I desire to say that Sir Maurice Gwyer has requested me to inform you that he is provided with full powers to negotiate and sign conventions on behalf of the Commonwealth of Australia.

14. — EXAMINATION OF THE DRAFT RULES OF PROCEDURE OF THE CONFERENCE : PROPOSALS MADE BY THE DRAFTING COMMITTEE AT THE REQUEST OF THE BUREAU OF THE CONFERENCE (RULES XX, XXI, XXIII, XXIV AND XXV).

The President :

Translation : Gentlemen, — I would remind you of the reason for convening the present meeting of the Conference.

At its meeting on March 28th, the Bureau gave special attention to Rules XX, XXI, XXIII, XXIV and XXV of the draft Rules of Procedure. These rules were reserved at the plenary meeting held on March 13th last for consideration later. You will remember, of course, that Rule XXII has already been adopted.

A few delegations, in particular those of Finland, Norway, Sweden and Germany, submitted observations to the Bureau on the distinction drawn in Rule XXV and in the third paragraph of Rule XX of the draft between conventions and declarations setting forth the principles of existing international law.

To prevent any misunderstanding, the delegations I have mentioned suggested that certain clauses should be inserted in the convention. Moreover, fourteen delegations submitted to the Bureau a memorandum dealing, first, with various points relating to the Rules of Procedure, and, secondly, with certain general and formal clauses. M. Alvarez (Chile) and M. Negulesco (Roumania) saw the Bureau on this subject.

As the Bureau had instructed the Central Drafting Committee to deal with the majority of these questions — and in particular with certain points not relating to the Rules of Procedure — which will have to be inserted in the conventions we hope to conclude, it decided to refer these notes to that Committee and requested M. Alvarez to be good enough to attend the discussions.

The first result of the work of the Drafting Committee, which met under the chairmanship of M. Giannini, was the report prepared by M. Pépin. It contains a suggested new wording for Rules XX, XXI, XXIII and XXIV of the draft rules (Annex 2). It is as a result of this proposal that the present meeting of the Conference has been convened.

The feeling was practically unanimous that no document should be given the character of a declaration in the sense of Rule XXV of the draft Rules of Procedure.

The Drafting Committee considered whether points such as those put forward by the delegations I mentioned a moment ago could be inserted in the convention.

The Bureau was in entire agreement with the general view, and, as the central Drafting Committee concurred, it was decided to propose the deletion of Rule XXV, which speaks of declarations, and the third paragraph of Rule XX.

If there is no objection, we might decide to omit Rule XXV of the Rules of Procedure and the third paragraph of Rule XX.

This proposal was adopted.

The President :

Translation : As regards the other proposals of the Drafting Committee, I would refer to the report and the text of the new Rules XX, XXI, XXIII and XXIV prepared by the Drafting Committee, which were circulated this morning. It is quite unnecessary for me to paraphrase them. The report is admirably prepared and exceptionally clear. The same may be said of the rules now proposed.

M. Giannini has, however, asked to speak in order to elucidate a few points still further.

M. Giannini (Italy), Chairman of the Drafting Committee :

Translation : I desire to indicate the spirit in which the Drafting Committee prepared the rules before the Conference.

First of all, we kept in mind, as we did at our second plenary meeting, that these Rules of Procedure were, after all, rules for the Conferences for the Progressive Codification of International Law. Certain practical requirements, however, led us to look at the problem, not merely from an absolute standpoint, but

also from the point of view of expediency. I shall explain what I mean.

In theory, members may still submit amendments at the plenary meetings of the Conference. If they do so, the ordinary procedure is followed and the texts are sent to the Committees for further consideration. But as it is absolutely necessary for us to finish our work at a certain date, we have taken account of this circumstance, which cannot be ignored if we are to carry out our task satisfactorily.

I would ask you to regard the rules now before you as a continuation of those already adopted by the Conference. We have previously decided (Rule XVIII) on the manner in which the various Committees would vote on the principles under discussion.

After the texts have been prepared by the Drafting Committee, we indicate the conditions under which the Committees have to approve these texts and what is done with them, once they are adopted. These are the points dealt with in Rule XX. I would ask you to note that paragraph 1 should contain only the first two lines [this applies to the French text only]; in other words, the second paragraph begins with the words: "A Committee may embody . . . ". This explanation is necessary for the proper understanding of *(b)* in Rule XXIV.

We begin by stating that each Committee may draw up one or more draft conventions or protocols and may also formulate recommendations. Such is the form that may be given to the instruments and to the decisions taken.

We then divide up the subject-matter of each of the instruments specified in paragraph 1. We say that the Committee may embody in the draft conventions and protocols any provisions which have been finally voted by a majority containing at least two-thirds of the delegations present at the meeting at which the vote took place.

The Drafting Committee discussed at great length this problem of the majority, and I would draw your attention to the figure of two-thirds. You will observe that, later on, when dealing with the question of the approval of the acts at the plenary Conference, the Drafting Committee suggests that a simple majority only is required.

What is the reason for this proposal?

This proposal was made for the reasons of expediency to which I referred a moment ago. If there had been sufficient time and if the Conference had not been anxious to conclude its work at a specified date, we could have agreed to a simple majority. If any doubt existed at a plenary meeting as to a particular question, the discussion could be resumed. But, in order to be sure that an agreement reached would be confirmed at a plenary meeting, we must be sure that it had already the support of a strong majority in the Committee. That is the reason for the two-thirds majority.

Another question at once arose. Was it possible to prevent certain delegations from proposing special texts for adoption, above all in regard to questions on which the majority referred to in paragraph 2 was not secured? That is the reason for the rule in paragraph 3. In the case of provisions which have secured only a simple majority, the Committee, at the request of at least five delegations, may decide by a two-thirds majority whether such provisions are to be made the object of a special protocol open for signature or accession. Five delegations are mentioned, because, if one of them, after communicating a proposal which has been rejected, desires to frame a separate protocol, it is always possible to do so. A rule not approved by the majority may nevertheless be of some practical utility. We ought, therefore, to allow a certain latitude. The only condition is that five delegations have to put forward the request.

But even this was not regarded as sufficient. It was thought that the majority referred to in paragraph 2 should agree to the adoption of this procedure for the special protocol in question.

I find myself at present in a somewhat awkward position, for I should like to speak in my capacity as delegate as well. However, speaking only as Chairman of the Drafting Committee, I draw your attention to the two-thirds majority required for the framing of a special protocol. In practice, we might find ourselves in the somewhat absurd situation that the rule might become useless.

The fourth paragraph relates to the provisions mentioned in the two preceding paragraphs — that is to say, to the provisions of the various draft conventions and protocols which will be approved by the Conference at a plenary meeting, or of special protocols — which have not been embodied in a draft convention or protocol. These texts will be inserted in the Final Act.

I would direct the notice of the Conference to a question which might be suggested by a cursory examination of this provision. If a rule has received the support of a two-thirds majority, you may think it surprising that it is not to be embodied in a draft convention. However, we are all agreed, I imagine, that a convention must be established according to a certain system. If a fundamental rule forming part of a body of provisions is not supported by a sufficient majority, rules on points of detail might still subsist even when the essential rule was not adopted. In order to prevent such an anomaly, and in view of the fact that this is the first conference on progressive codification, we shall embody in the Final Act the texts on which agreement has been reached but which have not been included in draft conventions and protocols. These may prove useful for future conferences or in other circumstances. This rule applies also to provisions which have not obtained a two-thirds majority but which were passed by a simple majority.

I venture to commend to your notice the next paragraph, which deals with reservations. Can reservations be allowed in regard to all the articles of a convention or only in regard to certain of them ? The Drafting Committee has prepared a formula which grants full powers to the individual Committees. Each of them may lay down any rules which it thinks fit. The condition which must be observed is that each convention must state clearly whether reservations are allowed and, if so, the articles in regard to which they are allowed.

Let me explain. In the case of an agreement forming a single whole and representing a compromise, reservations are obviously impossible, for, if each State were to make a reservation on the article in regard to which it had accepted a compromise, this would amount in practice to a sort of reciprocal fraud. Each would retain the article which pleased it and would reject the others. Accordingly, the party which agreed to a compromise would run the risk of having made a concession to no purpose.

Certain conventions, again, may present a somewhat heterogeneous character; that is to say, they may refer to a group of problems of different kinds. In that case, it may happen that one stipulation can be adopted while another may be rejected, and yet the convention would not be rendered nugatory. In such cases, reservations might be allowed in regard to all the articles.

Finally, provision has been made for a third solution. Reservations may be allowed in regard to provisions dealing with matters of detail, on the understanding that the main principles of the convention are retained. Let us suppose, for example, that I accept all the provisions in a convention on territorial waters, with the exception of those that are fundamental. In this way I may have accepted a provision on certain special problems relating to bays, and yet not have accepted the general provisions. By so doing I should obviously be making the convention meaningless.

As you see, the proposed rule allows of the adoption of different solutions for different conventions and takes account of the special circumstances connected with each.

There still remains the question of recommendations and *vœux*. On this point the Drafting Committee considered that, in view of the special character of the recommendations and *vœux*, a simple majority was sufficient.

After dealing with the texts, the Drafting Committee proposes that the Committees should attach a report to the texts adopted by them which they have to forward to the Conference. This report would explain the provisions accepted. Rule XXI, however, contains a special direction. It says that, in the report, mention shall be made of those provisions which have been unanimously adopted. We thought that such a stipulation was very important, since, when complete unanimity exists regarding a provision, this means a fixed point in international law and it may be of practical value to call attention to the fact.

The Drafting Committee asks that the report should also indicate the points on the Committee's agenda which it has not discussed, and, in general, every question which it considers desirable to submit to the attention of the Governments. There is, I think, no need for any lengthy explanations on this point. We have not had time in the various Committees to study all the texts submitted to us. The fact that certain provisions have not been included in a convention must not be regarded as meaning that they are inacceptable. The Conference is, in fact, engaged on a first codification, and obviously could not exhaust the subject at once. It is consequently stated that some provisions are reserved for future conferences.

I believe there is also no need to give the reason why the Drafting Committee thought it advisable to provide that the report should mention every question that the Committees considered it desirable to bring to the attention of the Governments.

I have now finished what I had to say on the work of the Committees, and I come to the work of the plenary Conference. In Rule XXIII we state that " the draft conventions and protocols, recommendations and *vœux*, presented by the Committees, may be adopted by the Conference by the vote of the simple majority of the delegations present at the meeting at which the vote takes place ". This means that new proposals not previously examined by the Committees cannot be submitted to the Conference.

Rule XXIV deals with the Final Act of the Conference. In my opinion, it indicates clearly the character of that instrument. In its classic form a Final Act is a sort of enumeration of the instruments adopted. In Conferences like the present one, which are rather complicated, the Final Act may, however, be of a more general character. I would say, in no malicious spirit, that this Final Act ought to be of use to those who do not find it possible to consult the full details of the acts of the Conference.

In the Final Act will be found a summary of everything that has been done. It mentions the conventions and protocols open for signature or accession, the provisions referred to in paragraph 4 of Rule XX — that is to say, those that have not been embodied in conventions and protocols — and, finally, the recommendations and *vœux* adopted. In short, it is a record of the final conclusions and results of the whole Conference.

I hope I have indicated with sufficient clearness the scope of these rules. In addition to my explanations, you have before you the report submitted by our colleague and Rapporteur, M. Pépin, who will, if necessary, give you further information on points of detail, and will reply to any observations made by delegates.

Now that I have explained these rules, I wish to draw the attention of the Conference to paragraph 3 of Rule XX. In doing so, I shall speak, not as Chairman of the Drafting Committee, but as a delegate.

The President :

Translation : I think we should examine the various rules separately, as there is no need for a general discussion. I suggest to M. Giannini that it would be better for him to give his private opinion on Rule XX when that rule comes up for discussion.

M. Giannini (Italy) :

Translation : I have already stated my point of view. I merely wished to draw the attention of the Conference to the question of the two-thirds majority which is laid down in paragraph 3 of Rule XX.

The President :

Translation : You therefore prefer a simple majority ?

M. Giannini (Italy) :

Translation : Yes, that is so.

The President :

Translation : You have already said so and it is perhaps unnecessary to return to the matter at present.

In order to simplify the discussion, I would propose that we now pass to consideration of the individual rules.

Rule XX.

The President :

Translation : If there is no objection, we shall consider Rule XX, paragraph by paragraph. The discussion is now open on the first paragraph, which is as follows :

" Each Committee may draw up one or more draft conventions or protocols and may formulate recommendations or *vœux.* "

Paragraph 1 was adopted.

The President :

Translation : The second paragraph is as follows :

" A Committee may embody in the draft conventions or protocols any provisions which have been finally voted by a majority containing at least two-thirds of the delegations present at the meeting at which the vote takes place."

M. Politis (Greece) :

Translation : For the purpose of our discussion it seems to be difficult to separate paragraph 2 from paragraph 3.

The President :

Translation : I fully agree. Accordingly, we shall discuss together paragraph 2 and paragraph 3. The latter reads :

" In the case of provisions which have secured only a simple majority, a Committee, at the request of at least five delegations, may decide by a two-thirds majority whether such provisions are to be made the object of a special protocol open for signature or accession."

M. Politis (Greece) :

Translation : I think it necessary to draw the attention of the Conference to the importance of the two paragraphs of Rule XX now under discussion.

As Chairman of the Drafting Committee, M. Giannini indicated to you a moment ago the structure of the text. If a provision is to be inserted in a convention it must, in accordance with paragraph 2 of Rule XX, be voted by a two-thirds majority in the Committee. If this majority is not secured, and if a number of delegations nevertheless desire that provisions which have failed to secure the two-thirds majority, but have been passed by a simple majority, or even a fairly large majority falling not much short of two-thirds, should be included in a special protocol, then a two-thirds majority in favour of the motion is also required in this case under paragraph 3.

This means that the minority in a Committee would, in accordance with the rules we are examining, not only have the right to prevent a particular provision, which it views with disfavour, from being inserted in a main convention, but also it might, in spite of the request made to it by a number of delegations, prevent this provision being embodied in a special protocol which certain Powers would be prepared to sign and, later on, to ratify.

This is a very grave matter and the Conference cannot adopt these provisions without mature reflection. They are serious provisions, because they relate to a convention and to an enterprise which demands much time — the work of codification. They are serious provisions because, if the Conference now confers on the minority a right to dictate to the majority, it is jeopardising the success of the work on which it is embarked.

I could, if it were absolutely necessary, even though I cannot personally view such a course with favour, accept the rule contained in the second paragraph. That in itself is a very great concession, since we should thus be giving a number of delegations — a fairly large number, though still a minority of the Committee — a certain right to prevent provisions agreed to by all the other delegations from being embodied in a principal convention.

I am not, however, prepared to admit that we can go further in this direction, and that a two-thirds majority should be required, as is stated in the third paragraph of the text, in connection with a special request made by certain delegations to embody in a special protocol provisions which have been passed by a simple, though not a two-thirds, majority.

I think it is only fair that, if the supporters of the simple majority system are prepared to make a concession by accepting a qualified majority in the second paragraph, the advocates of a qualified majority should, in their turn, make a similar concession to the others

and be satisfied, in the third paragraph, with a simple majority.

I am putting this forward as a definite proposal. I ask that, in the third paragraph, the words " by a simple majority " should be substituted for the words " by a two-thirds majority ".

I shall conclude with a further observation. I stated a moment ago that I would, for my part, agree to the provision in paragraph 2, although personally I am not in favour of it. I must, however, say that, if I agree to this, it is in a spirit of extreme conciliation and merely as an experiment. I desire to add that the freedom of future Conferences must be reserved on this point. We may make an experiment on the present occasion and we shall see the results. If, however, the concession thus made in paragraph 2 of Rule XX of the Rules of Procedure is shown to yield regrettable results for the work of the Conference, I should not fail to point out before the Assembly of the League of Nations, or from any other platform, the injury done to the great and fine work we are beginning to-day.

M. Guerrero (Salvador) :

Translation : Mr. President, — I do not often disagree with my eminent friend and colleague, M. Politis. On this occasion, however, I must point out that we are diametrically opposed to each other.

M. Politis has forgotten the character of this Conference. It has nothing in common with Conferences on other matters. The object of the Conference is the codification of international law. Its importance was such that the League of Nations, when it investigated the question of codification, was careful to surround it with all necessary guarantees to enable the law on certain jusbects to be duly established. It first set up a Committee of Legal Experts, who studied the question ; then, after a very lengthy procedure, it succeeded — after consulting all the Governments — in completing the preparations for the Conference we are now attending.

If this Conference is to obtain tangible results, everything must be approved unanimously and without reservations. That is the way international law should be codified.

Unfortunately, we are prevented from reaching unanimity by certain delegations. All we can expect is a two-thirds majority. This majority should be found not only in the Committees and in the Conference itself ; it must also be required for the special protocol of which M. Politis has just spoken, and which is mentioned in paragraph 3.

M. Politis said it would not be fair for a small minority to prevent a majority from including certain provisions in a protocol. I would use his argument against himself and say that it would not be fair for a small majority to include provisions in a protocol at a Conference for the codification of international law.

You will no doubt tell me that this protocol would only bind the States which sign it. The matter is not so simple, because certain provisions appearing in the protocol, and accepted only by a weak majority, would nevertheless constitute rules of international law. That is a point we must not forget. In the case of any other convention, the signatory States alone would be bound. But this is not so here.

Accordingly, the results of our work must be regarded as codified law ; that is to say, as international law. The Convention which we shall sign here will be binding on all States, even on those which do not accede to it. Whenever a dispute arises, an appeal will certainly be made to this Convention as embodying international law.

For these various reasons I cannot accept M. Politis's proposal. In a liberal spirit of concession, I am prepared to agree to a two-thirds majority, both in the Committees and in the Conference, this being applicable to the Convention and to the recommendations and *vœux*.

M. Rolin (Belgium) :

Translation : I merely desire in a few words to state that the Belgian delegation very strongly supports the proposal advocated by M. Politis. I myself should have liked to secure the adoption in the Drafting Committee of an infinitely more radical proposal, the one that he himself indicated. I should have liked the Conference to pass its instruments by a simple majority.

I desire to reply at once to M. Guerrero's objection, which appears to be impressive at first sight. He said, in effect, that we must be careful and must not think that we were framing conventions that would only bind our respective countries. That, he said, was not the case. We would really be codifying international law. The rules we draw up would be binding, not only on the States which accede to the Convention, but on all States.

I think, on the contrary, that that is a fallacy. No doubt, if we were engaged here on a work of pure codification and if our authority was such that any decision taken by this Conference would be automatically and tacitly accepted by the whole world, and in particular by international courts, there would be something in the objection urged by M. Guerrero. But I believe that we should be forced in those circumstances, as he himself has indicated, to recognise that we cannot decide even by a two-thirds majority, but that unanimity would be necessary.

In reality, our examination of the questions led us to believe — and the discussions in the Committees convinced us of the truth of this — that, while it is perfectly right in theory to distinguish between pure codification and the adoption of new rules, nevertheless, in practice, we could not maintain this distinction in any of our Committees.

Accordingly, we have given up the idea of framing declarations on international law, for which unanimity perhaps would have been very desirable. We have accordingly decided to submit only conventions on international law.

We have even gone so far — and I think this applies to all the Committees — as to contemplate a special article which will state that the inclusion or omission of a rule in a convention shall in no way be deemed to prejudice the question whether it does or does not form part of existing international law.

There seems, therefore, to be no reason why we should not allow a simple majority to embody its views in a text if, in its opinion, there is reason to expect that the said text may be accepted by a very large number of States at not too distant a date.

I would venture to remind you that, in the Assembly at Geneva, where I had the honour in a previous year to be Rapporteur for these questions, I thought I could voice the general opinion of all those who were preparing for this Conference when I said that our work of codification should be not only progressive — that is to say, as regards the order in which the subjects would be dealt with — but also "progressist"; that is to say, that we should endeavour, not only to codify existing law, but to improve it and to formulate new rules which would constitute an advance from an international point of view.

If we are attempting work that is partly creative, I think it is all to the good if we allow certain delegations to take any step in advance which is approved by a majority of this Conference.

With your permission, I will give an example. Two years ago at Geneva we codified — this I can say — international procedure. The work was done by a number of States which believed that the codification of this procedure for all disputes whatsoever was desirable. We were a minority. None the less, we considered — and no difficulties were put in our way — that our views should be embodied in an act which would be given the authority of the whole Assembly and which would be open to accession by all States.

The increasing success of the General Act would appear to show that we were right.

We are asking you to-day for much less than that. We are asking you merely to allow the majority of this Conference to place on record the progress which it thinks has actually been made. In so far as any such instrument would go beyond existing international law, it would, of course, only bind the States acceding to it. I do not really think that there can be any serious opposition to this point of view.

M. Buero (Uruguay):

Translation: I regret that I must rise immediately after the two eloquent speakers who have pleaded for the modification of the present paragraph 3 of Rule XX, proposed by the Drafting Committee. I should, however, be failing in my duty if I did not draw the Conference's attention to the risk we are running if the suggestion is adopted. I think the Conference would be divided, and there would be two kinds of codification. The unity of our work should be the essential consideration guiding us in our task.

I have not yet had an opportunity of replying to the arguments put forward, and I accordingly urge the Conference to take account of what I consider to be a serious risk for the future of the great work to which we have set our hands.

M. Politis (Greece):

Translation: I should like to add a word or two. The previous speaker has used the word "risk". I see another risk which is much more certain than the one to which he referred.

If we had had before us at the opening of this Conference the proposal now submitted to us, I should perhaps have agreed in good faith to try the experiment. But I know now that a minority has been formed, and that this minority is resolved to prevent a part of the Conference's work from being carried through. This is not so theoretical a risk as that referred to by M. Buero. The risk of which I am speaking is a certain one.

I would draw the Conference's attention to the danger to which our work is exposed. We should be offering the world a lamentable spectacle if, after a month's work, when a great many countries have already taken a decision and many concessions have been made to reach unanimity as far as possible — in any case to secure almost complete unanimity in committee — we were to lay before you in a few days' time texts containing mere shadows of obligations; and if, after all, even when these texts have been whittled away, curtailed, deprived of their force, they were not only not signed (it is the right and sovereign prerogative of every State to withhold its signature) but if States that are prepared to subscribe to these instruments were prevented from doing so. That would be an example of international intolerance which I am sure would be criticised and stigmatised by public opinion.

I would therefore make an urgent appeal to the Conference not to adopt the text proposed, which might lead to the certain failure of part of our work.

M. Alvarez (Chile):

Translation: We are embarking again on the discussion which has taken place at several international Conferences, as well as in the Drafting Committee. We can go on discussing all night without coming to an agreement. We must end this discussion. As the question has been fully considered by the Drafting Committee, which has weighed the pros and cons, I would suggest that we vote for the Drafting Committee's resolution, since it is the fairest.

M. Guerrero (Salvador):

Translation: I feel that M. Politis said more than he meant when he criticised severely a minority which has come here to explain its point of view, for this minority has in every way the same right to act as the

delegates forming the majority. During the discussions, I have shown the same respect for the opinions of all delegates. I cannot allow M. Politis to say that there is a minority which is trying to cause the failure of the Conference. That is not the case.

M. Matter (France) :

Translation : I have so often appealed to the conciliatory spirit of my colleagues — and on several occasions I have had the good fortune to be successful — that I think it my duty, even though I have some reluctance in the matter, to try once more.

We are convinced that the action of no delegate here is dictated by any preconceived idea, that we came to this Conference free in thought and free in conscience and that we are going to vote in the best interests of the League of Nations in conformity with the instructions we have received from our Governments.

For my part, after considering the matter, I shall vote, though not without some hesitation, in favour of M. Politis's motion. But I shall not do so because I think that any minority has been formed. At this Conference I have never, during the period of more than a fortnight that we have now been here, found any minority with which I have not been able to work loyally. I think M. Guerrero will bear me out in this. It is for quite other reasons — these reasons have already been given — that I shall vote for the amendment.

M. Cohn (Denmark) :

Translation : The Danish delegation supports the amendment proposed by M. Politis.

M. Beucker Andreae (Netherlands) :

Translation : The Netherlands delegation shares M. Politis's preference for a simple majority and warmly supports his amendment. The Netherlands delegation would have been prepared to accept a simple majority for the second paragraph, and it is also in a spirit of concession that it is prepared to accept M. Politis's proposal.

The Netherlands delegation also believes that the Conference should be careful not to consider the two-thirds majority that it is going to adopt as a rule applicable to future Conferences. It is merely as an experiment that we are prepared to accept it for the present Conference.

The President :

Translation : I shall put the amendment of M. Politis to the vote.

The third paragraph of Rule XX assumes that certain provisions have been accepted by a simple majority, and lays down that a Committee, at the request of at least five delegations, may decide by a two-thirds majority whether such provisions are to be made the object of a special protocol open for signature or accession.

M. Politis proposes in this paragraph to substitute for the words " by a two-thirds majority " the words " by a simple majority ".

The first delegates or their deputies will vote by a show of hands.

The amendment submitted by M. Politis was adopted by 18 votes to 17.

The President :

Translation : We shall now vote on the second paragraph and the third paragraph as amended.

These texts were adopted.

Paragraph 4 was adopted without discussion.

The President :

Translation : Weshall now vote on paragraph 5, which reads as follows :

" Each convention or protocol shall contain a provision expressly showing whether reservations are permitted, and, if so, what are the articles in regard to which reservations may be made."

M. Wu (China) :

M. Giannini, in his clear exposition of the reasons for this provision, has told us that the main reason is to prevent fraud ; that the Conventions contain provisions which are more or less in the nature of *quid pro quo*, and that, therefore, if the freedom to make reservations is given to the delegations, delegations can then accept what is favourable to them and reject what is not.

I do not recall at the present moment any provisions which are more or less in the nature of *quid pro quo*. It may be that this is because my brain refuses to work at this late hour. If, however, such provisions exist, I do not believe that there are any delegations here which would take advantage of such provisions and adopt such a course. Even if there were, I suggest that it would be very easy to prevent any such manœuvres, by simply converting such *quid pro quo* provisions into one, so that the delegations would have either to refuse or to adopt them all together. I do not, therefore, see the logic of refusing to allow reservations.

On the other hand, I see a very important reason for the deletion of this particular paragraph. From the debates in which we have participated for three weeks, we know that there is hardly a single delegation which will be able to accept *in toto* all the provisions upon which we have so far agreed. What is the result ? Let us imagine a convention of thirty articles, and that one delegation is ready to accept twenty-nine of them but not the thirtieth because, it may be, of constitutional provisions—for instance, questions of nationality ; or, it may be, for reasons of principle — for instance, the nationality of married women. Are these delegations, then, to refuse to sign the twenty-nine articles simply because an objection has been raised to the thirtieth ? That, as a matter of fact, is the dilemma in which the delegations will be placed ; and I have little doubt what course they will take. They will refuse to sign the whole convention.

We are already afraid that the results of this Conference will be meagre, but the

adoption of this provision will make the results, I fear, almost nil. Moreover, if the precedent is established that in codification conferences no reservations will be allowed, the result will be that States will think twice before they send delegations to participate in future Conferences.

It may be said that the provision in question leaves the different Committees free to decide. That may be so, but we have only a short time left in which to do our work. If this provision is passed, I shall be compelled to make, in the First, Second and Third Committees, the remarks I have just made here. In that case, the debate would take four times longer than if we discuss and decide this question to-night. For the sake of the success of this Conference, therefore, and for the sake of that of future Conferences, I move that paragraph 5 be deleted.

M. Giannini (Italy) :

Translation : I am afraid I did not explain this paragraph very clearly. Paragraph 5 does not lay down any fixed rule. When preparing the texts, each Committee is allowed to establish rules in regard to reservations. In practice, therefore, three courses may be adopted : (1) It may be stated expressly that reservations may be made to all the articles ; (2) or, again, the view may be taken that the Convention as a whole represents a compromise and that it must be accepted or rejected *in toto* ; or (3) the Convention may be divided into three chapters. I am not referring to the articles that may be described as chapter-headings, but to the others. In this case it would be preposterous to allow reservations in regard to the bases of the separate chapters.

What we are asking is that reservations should not be allowed on certain articles.

We must, moreover, bear in mind the great difficulties created by reservations in any convention. All who have had some practical experience of treaties are aware of the disadvantages of conventions which impose no restrictions in regard to reservations. It has taken nearly forty years to get rid of the reservations in the Convention for the Protection of Literary and Artistic Property, and even now there are still a few left. We cannot codify in that way. Generally speaking, there should be no reservations ; the latter should always constitute exceptions. Reservations cannot be admitted as a general rule.

I would repeat that this paragraph does not constitute a hard and fast rule. Full liberty is left to the Committees. Under these conditions, there seems to be no reason for omitting the paragraph.

The President :

Translation : Allow me to say that the question is not so serious as M. Wu seems to think. The object of this paragraph is not to prevent reservations altogether, but only to allow reservations which will not destroy the convention as a whole. Each Committee can readily decide whether the nature of a particular reservation and its effects on the convention as a whole are such that it can be allowed. This paragraph in the Rules of Procedure is merely a precaution which is not so dangerous as M. Wu seems to think.

M. Wu (China) :

M. Giannini expressed himself very clearly and I understood him clearly. I think perhaps it is because I did not express myself clearly that he did not understand me.

I dealt with the point whether the Committees were to have the right to determine whether reservations were to be allowed or not, and, if so, in what provisions. My second point was that for the different Committees to decide that question would mean that, apart from the time we have spent on the matter to-night, we shall have to discuss it three times more. I myself happen to be a delegate in each of the Committees. I suppose it would be physically impossible for me to be in each one of them if the matter were discussed in them all at the same time. In any case, forty-odd delegations would have to spend three times longer than has been spent to-night to decide this question. I see no reason why it should not be settled to-night.

Mr. Beckett (Great Britain) :

I only want to say one word. I submit that there is no other possible way of treating this question of reservations than that embodied in paragraph 5 of Rule XX. If the delegations are not to know what reservations are going to be made, or even within what limits they can be made, how can any delegation possibly sign anything at all ? It cannot possibly know what the effect of its signature will be. My delegation, for one, would find the greatest difficulty in deciding anything if it did not even know within what limits reservations could be made.

The President :

Translation : We shall now vote on paragraph 5, which it has been proposed to omit.

Paragraph 5 was adopted.

The President :

Translation : We now pass to paragraph 6, which reads as follows :

" Recommendations and *vœux* may be adopted by a simple majority. "

M. Guerrero (Salvador) :

Translation : I have already proposed that the recommendations and *vœux* should be adopted by a two-thirds majority, for everything should be perfectly clear in a Conference

such as ours. The decisions taken here have a much wider scope than decisions taken at other Conferences. I think that, although the recommendations and *vœux* do not directly bind the various countries, they nevertheless always furnish an indication of what the law should be.

The President :

Translation : M. Guerrero proposes to substitute for the words " by a simple majority " the words " by a two-thirds majority ". I put this amendment to the vote.

M. Guerrero's amendment was rejected.

Paragraph 6 was adopted.

On being put to the vote, the whole of Rule XX was adopted.

RULE XXI.

Rule XXI was adopted without observations.

RULE XXIII.

M. Guerrero (Salvador) :

Translation : I propose to use here also the phrase " may be adopted by the Conference by the vote of a two-thirds majority . . . "

The President :

Translation : I put M. Guerrero's amendment to the vote.

M. Guerrero's amendment was rejected.

Rule XXIII was adopted.

RULE XXIV.

Rule XXIV was adopted without observations.

The President :

Translation : We have now finished our discussion of the Rules of Procedure, on which we had to take a decision.

I have to inform the Conference that the Danish delegation has submitted a recommendation on the future work of codification. As this recommendation is not on the agenda, I propose that it should be circulated to the delegations and be referred to the Drafting Committee, which will consider it in collaboration with the Danish delegation.

This proposal was adopted.

The Conference rose at 12.20 a.m.

SIXTH PLENARY MEETING

Thursday, April 10th, 1930, at 10.15 p.m.

President : M. HEEMSKERK.

15. — EXAMINATION OF THE REPORT AND DRAFT CONVENTION SUBMITTED BY THE FIRST COMMITTEE (NATIONALITY), WITH THREE SEPARATE PROTOCOLS AND EIGHT RECOMMENDATIONS.

(On the invitation of the President, M. Politis, Chairman of the First Committee, and M. Guerrero, Rapporteur, took their places on the platform.)

The President :

Translation : We have on our agenda the draft report and draft Convention submitted by the First Committee, with three separate Protocols and eight recommendations.[1]

We shall deal first of all with the Committee's report, which was prepared by M. Guerrero (Annex 4).

I call upon M. Guerrero, who will give a few further explanations.

[1] Before submission to the Conference, the texts of the Convention, Protocols and Recommendations had been revised by the Drafting Committee of the Conference (see the Drafting Committee's report, reproduced in Annex 3).

A. REPORT OF THE NATIONALITY COMMITTEE.

M. Guerrero (Rapporteur) :

Translation : Mr. President, Ladies and Gentlemen, — You have before you the report of the Nationality Committee. I desire merely to give you, in a few words, some idea of the work done by the Committee.

In the course of twenty-two meetings, the Committee reviewed all the Bases of Discussion laid down by the Preparatory Committee for the Conference, and it is only fair to mention here that, if the Committee has been able to draw up the text of a Convention, this is largely due to the eminent jurists who prepared the Committee's work. I should be failing in my duty if I did not mention what was accomplished by the Committee of Legal Experts for the Codification of International Law. In particular, we owe a great deal, as regards the question of nationality, to the very erudite study of Professor Rundstein, Rapporteur of that Committee.

We are submitting to you, first of all, a "Convention on certain questions relating to the conflict of nationality laws". I would draw your

attention to the title, which exactly defines the scope and contents.

This instrument makes no claim to settle all questions regarding the conflict of nationality laws. At the present time, we could only make a first attempt at progressive codification. States which accept the articles of this Convention will only regulate those questions on which international agreement appeared to be possible, and they may even, by availing themselves of reservations, limit the number of these questions as they think fit.

Nevertheless, in signing this Convention or in acceding to it, Governments will be taking a very important step forward.

If there is one question which comes within the exclusive jurisdiction of States, it is certainly that of nationality. This is essentially a political matter. Each country is attached to certain ideas which it regards as necessary for safeguarding vital interests. It is no small achievement that, notwithstanding all the difficulties encountered, a general Convention should have been framed and that most States should have admitted the possibility of accepting conventional stipulations which are applicable, not only to the countries in a single continent or to countries which are attached to one of the two systems — the *jus soli* or the *jus sanguinis* — but to all States.

That is a result which merits recognition. Its importance is such as to atone for any imperfection in the texts prepared. Their limitations are only too obvious. They will, however, allow in certain cases of the abolition of dual nationality, and also of statelessness.

I should like to draw special attention to a chapter dealing with one of the most delicate questions which the Committee had to investigate — that of the nationality of the married woman.

When you examine the four articles in Chapter III of the Convention, I ask you to bear in mind that, as the Committee could not decide between existing tendencies, it aimed in these articles at settling actual cases only. Under the provisions adopted, it will be possible to ensure that no woman who marries a foreigner or whose husband changes his nationality during marriage will be without nationality.

Lastly, the principle on which Article 10 is based is in harmony with the most liberal theories. This article states that " naturalisation of the husband during marriage shall not involve a change in the nationality of the wife, except with her consent ".

In addition to the Convention, which was unanimously adopted by the thirty-five votes cast in the Committee and which, I hope, will be unanimously accepted this evening by the Conference, the Committee approved, by a majority of more than two-thirds of the delegations present, a Protocol relating to military obligations in certain cases of double nationality, and a Protocol relating to a case of statelessness.

The first of these Protocols deals with a question which, so far, has only formed the subject of a few bilateral Conventions ; it relates to the possibility of a person possessing dual nationality fulfilling his military obligations in a single country only. I need not insist on the importance of these texts ; they will provide a remedy for certain cases that occur only too frequently in immigration countries.

The Protocol relating to a case of statelessness confers, in countries which have not adopted the system of *jus soli*, the nationality of the country of birth on a person born of a mother possessing the nationality of that State and of a father without nationality or of unknown nationality. Cases of this kind occur more particularly as a result of certain emigration movements following on the world war. The instrument adopted will help, to some extent, to check the alarming increase of statelessness.

The Committee also adopted, by a simple majority, a special Protocol relating to this same question of statelessness, a question which constantly engaged the attention of the Committee during its work. Can an indigent or undesirable stateless person be sent back in certain cases to the country the nationality of which he last possessed, and no longer be a burden on the country in which he happens to be? Certain delegations thought that he could be sent back, and accordingly asked for and secured the adoption of this Protocol.

These three Protocols are independent of the Convention. They will be opened separately for the signature or accession of States. They indicate the general and formal clauses of the Convention which are applicable in each case.

Finally, the Committee is submitting to you a number of recommendations. They refer to tendencies or general movements. I shall not read them, for you have had time to consider them.

On behalf of the First Committee, I would ask our President to be good enough to submit them, after the Convention and the three Protocols, to the Conference for its approval.

The President :

Translation : If no member desires to make any observations, I propose that we take note of the report, and thank the Committee in general, and M. Guerrero very warmly in particular, for the very clear document he has submitted to us.

The Conference took note of the report of the First Committee.

B. Convention on Certain Questions Relating to the Conflict of Nationality Laws.

The President :

Translation : We have now to consider the Convention on certain questions relating to the conflict of nationality laws which is submitted to us by the First Committee (Annex 5).

I propose that we should not examine the articles separately, but discuss the Convention as a whole. A number of delegations have asked to speak in order to make declarations.

M. Nagaoka (Japan) :

Translation : Mr. President, — Before we close our discussions in this Conference on the question of nationality, I have to make, on behalf of the Japanese delegation, a short statement in order to prevent any possibility of misunderstanding.

The Japanese delegation desires to declare that the provisions of the article on arbitration and the judicial settlement of disputes do not affect any action taken by the judicial authorities in Japan when applying Japanese laws and decrees. Such a rule may be regarded as obvious, but I thought it better to make the declaration to ensure that no misunderstanding exists or can arise in future. I would therefore ask you, Sir, to have this declaration inserted in the records of the meeting.

For the past four weeks, we have held daily meetings for the purpose of exchanging views, communicating to each other the requirements of our various stituations, and reconciling our different points of view in a generous spirit of mutual understanding and, thanks to the constant spirit of cordial and sincere co-operation with which all the delegations have invariably been inspired, the results of our work are now embodied in a Convention on certain questions relating to the conflict of nationality laws.

I have great pleasure on this occasion in conveying to M. Politis the well-deserved thanks of this Conference for the exceptional ability with which he guided our discussions on the various delicate problems connected with nationality. He conducted our debates with great impartiality and consummate skill, and it is largely due to his distinguished services that the present results have been achieved.

No doubt the results obtained are not of that sensational character which impresses public opinion. We must, indeed, confess that certain articles of the Convention could not be accepted by all the delegations. Progress has, however, undoubtedly been made. In particular, we are furnishing States with valuable indications as to the direction which their legislative work should take in future. By means of these indications, to which we hope they will give very earnest consideration, we have marked out the path that we hope they will resolutely pursue.

I would again convey to M. Politis, the distinguished Chairman of the First Committee, our very sincere thanks. I also warmly thank M. Chao-Chu Wu, our Vice-Chairman, who presided admirably over our discussions during the absence of M. Politis.

Mr. Miller (United States of America) :

On behalf of my Government, I have to make the following statement concerning the general Convention on Nationality.

The Government of the United States of America appreciates to the fullest extent the value and helpfulness of the discussions which have taken place at this Conference on the subject of nationality. It would be difficult to exaggerate either their present importance or their importance for the future.

The general Convention which is now before the Conference for adoption contains certain clauses to which my Government has no objection, and to the principles of which it could well assent. The Convention, however, also contains a number of provisions which the Government of the United States of America cannot accept. Acceptance by the United States of the Convention as a whole would involve such extensive reservations that my Government considers that it would be better to await a further and more progressive moment, which the discussions of the present Conference will doubtless facilitate.

The delegation of the United States of America at this Conference, therefore, will not sign the general Convention on Nationality. As regards the possibility of signature later on the part of my Government, the United States delegation has recommended against such a course ; that question, however, will be one for the Government of the United States of America to decide.

M. Giannini (Italy) :

Translation : The position of Italy in regard to the problem of nationality is very clear, and I am therefore compelled to speak clearly. My remarks will perhaps not be agreeable to listen to, but I desire to submit them.

The problem with which we are faced is not a legal problem ; it is an essentially demographic problem. There is a conflict between nations with a rapidly expanding population and nations that do not possess the same power of expansion and tend to enrich themselves at the expense of the former. The conflict leads to a duality of legal systems, which I might describe as the defensive and the offensive systems respectively.

This is a problem of great importance for Italy. Ours is the only nation in Europe which has nearly ten million persons outside the mother country. This figure will give you some idea how important this question is for us. It imposes obligations on our country and places it in a wholly different position from other States.

The settlement of such a conflict by a general agreement is very difficult. Nevertheless, we came to this Conference animated with the most liberal spirit of accommodation.

There are further aspects of the problem which we have to take into account. We must never lose sight of the social structure of Italy. Marriage and the family are the very foundations of our social life. We desire to defend the sanctity of the family against all attacks. For us this is a necessity and we shall never abandon the struggle. We regard marriage as a social duty and not as mere personal indulgence which may be dispensed with. We do not recognise divorce.

For the same reasons we defend the children.

Under these circumstances, and in view of this social system which we intend to uphold by all the means at our disposal, we cannot allow the claims of States which wish to deprive Italy of her sons. I have often reflected on the manner in which such a problem could be solved juridically.

In this Conference there has been a constant clash between two legal systems. We had to resort to reciprocal concessions. What are the points, however, on which compromise has been reached ?

We were asked to consent, in a Convention, to the loss of some of our nationals. We had in that case to defend our nationals, just as in other cases we had to defend the family.

Elastic though it is, this Convention is really advantageous to countries which require to assimilate the nationals of other countries. Can we, notwithstanding our spirit of conciliation, agree without reservation to the Convention under these circumstances ? I must say emphatically : No.

There are States which, after asking us to make many concessions, now declare that they will not sign the Convention. They are putting us in a very difficult position. I made concessions, and I shall leave with empty hands. Must we therefore abandon the compromises we have been able to reach ?

There is only one course to adopt, and that is to resort to reservations. Under the Convention, far-reaching reservations are possible, not only in regard to particular articles, but even in regard to particular stipulations and certain parts of articles.

In a spirit of compromise I shall, nevertheless, sign the Convention. Before ratifying it, the Italian Government, however, will be compelled to wait until it can form an opinion on the attitude of the other States which desired compromises and now wish to make reservations. If these States continue to adopt a negative attitude, it will be very difficult for us to ratify the Convention.

For the same reasons I shall not sign any of the Protocols, since they deal with problems which do not come under the heading of nationality. They are problems that the present Conference desired to solve in spite of our opposition.

For the same reasons again, though I can accept some of the recommendations proposed by the Committee, I must reject others that contain principles I was unable to agree to in the Convention. I cannot sign a recommendation in favour of what I rejected in the Convention. The same principles are bound to apply in all cases.

Here and elsewhere, Italy's attitude is invariably clear. You will see it in its true light if you look at the very difficult situation in which our country is placed owing to the fact that a great many of our nationals are outside our borders. It seems to me that no complaint can be made against the mother country for defending its children against those that desire to take them away.

Mr. Dowson (Great Britain) :

During the discussion in the First Committee on the subject of the nationality of married women, I made a statement to the effect that my Government was in favour of applying the principle of the equality of the sexes in matters of nationality, and that it hoped that a large majority of the States represented at this Conference would be ready to go a considerable distance towards giving effect to that principle—considerably further, that is to say, than the proposals contained in the Bases of Discussion which dealt with this matter.

The discussions in the Committee, however, showed that very divergent views were held by different members of the Committee, and, in view of this divergence, I did not think that any useful purpose would be served by putting forward specific proposals for amending the original bases. Had I done so, it is obvious that the divergence of opinion in the Committee would have become even more marked.

I desire, however, to take this opportunity of saying, on behalf of my Government, that, in voting for the Bases of Discussion as they stand (and as they now appear in Articles 8 to 11 of the draft Convention), my Government does not in any way modify its strong opinion that a woman ought not on marriage to lose her nationality or to acquire a new nationality without her consent.

M. Negulesco (Roumania) :

Translation : In the name of the Roumanian delegation I desire to pay a tribute to M. Guerrero, the Rapporteur, for the able report he has submitted to the Conference on behalf of the First Committee, and also to the members of the Committee of Experts, of whom M. Diena and M. Rundstein are present with us.

From the very outset of our work we realised the difficulties which would have to be overcome. In this matter of nationality the existing divergencies were really insurmountable, because countries were divided into two groups, some recognising the *jus soli* and others the *jus sanguinis*. As one or other of these systems had, for political reasons, been accepted by the various emigration and immigration States, there was no hope of removing this divergency of view.

The difficulty was enhanced by the very nature of the subject. The nationality question is one of those which international law leaves to the exclusive jurisdiction of States. If the subject is to be taken out of the exclusive national sphere and brought into that of international law, what is needed is a convention or custom, or generally accepted rules regarding nationality.

It would be a mistake to think that all the questions embodied in the present draft Convention must be removed from the purely

national sphere and brought into the international.

In the draft before us there are two classes of provisions. Those on which compromise was possible, and on which unanimous agreement has been reached, must be brought within the domain of international law; while the others, based on political considerations essential for the existence and development of certain countries, have been left for the moment in the national sphere.

As regards the latter provisions, there might be a disposition to accuse us of powerlessness. But between what is insurmountable on the one hand and what can be achieved in part on the other, we did not wish to make an irreparable choice. On the contrary, we chose a road which slowly but surely will eventually enable us to achieve the whole work of codification.

To codify by means of conventions is not merely to declare that such and such a rule exists, or even to agree that it ought to exist. Codification taken in a wide sense and regarded as " progressive " must mean something more: it must in certain circumstances, when agreement cannot be realised for the moment, indicate the direction which national law ought to take and thus guide the lawmaker towards certain uniform principles.

In this case, although each State is not legally bound, it is at all events morally bound to follow the common rule. When later conferences meet to revise the first codification, they will not find themselves divided by differences in national laws; they will be able to understand each other, since all laws will be derived from a common source. Then only can we enunciate a unanimously recognised rule.

No one must be without nationality and no one can have two nationalities at once: those two principles would appear to represent fundamental truths in the matter of nationality; yet, on account of the political confusion of certain countries, it was not possible to embody them in the provisions of the present draft. A simple recommendation has been made to mark out the road and to indicate the principles which should underlie the law so as to ensure that, in future, statelessness and double nationality no longer exist.

The characteristic feature of the draft Convention is that, in view of the possibility of fraud, it was decided not to leave a person having multiple nationality the free right to choose one of his nationalities.

Yet, although the wish of the individual cannot in itself determine nationality, the presumed intention, as shown by the external factors of habitual residence, may lead a third State to recognise that a person having multiple nationality possesses the nationality of the State in which he is habitually resident.

We should have been glad if greater consideration could have been given to the express wish of a person possessing two nationalities. We could have prevented double nationality in the case of children, born in a country in which the principle of the *jus soli* is recognised, of parents who are subject to the *jus sanguinis*, by giving these children, when they attain their majority, the right of option, a right which respects the liberty of the individual. We realised, however, that agreement was impossible, for important differences of opinion existed, based on the legitimate interests of the various groups of States.

As regards the nationality of the married woman, it was found to be impossible to give her the same right to her nationality as is given to the husband, or to allow her the right to choose, at the time of her marriage, between her own nationality and that of her husband. This matter continues to be governed by the domestic law of the individual States.

Although the draft which is submitted to us does not take into consideration the will of the woman at the time of her marriage for the purpose of determining her nationality, it nevertheless takes this expression of her will into account during her marriage if her husband is naturalised. For the wife can herself decide whether her husband's nationality will cause a change in her own nationality.

We should have liked the draft Convention to give a woman the right to choose freely, at the time of her marriage, between her own nationality and that of her husband. The right to possess one's own nationality is so legitimate and so bound up with the very idea of a person that no law can deprive a person of this right without his or her own consent.

The authors of the present draft themselves felt the force of this argument, for in the end they recognised that the unity of the family may be broken if the wife, during marriage, does not consent to change her nationality on the naturalisation of her husband.

Although the differences of opinion were such that the Committee could not finally proclaim that the nationality of a woman is not affected, without her consent, by the mere fact of her marriage, it at least laid down this principle in the form of a *vœu*.

These are the few remarks which the Roumanian delegation has the honour to submit to you.

Though we encountered great difficulties, we proved successful, thanks to the efforts of all engaged in the work. For this result, however, we are specially indebted to the wide knowledge of our Chairman, M. Politis, and the skill with which he guided our discussions, and to M. Guerrero, who drew up a striking and learned report. Their services were invaluable and enabled us to achieve the object of the Conference in a comparatively short time.

On behalf of the Roumanian delegation, I now declare that I shall vote for the draft Convention submitted to the Conference.

The President:

Translation: If no other member desires to speak, I shall put the draft Convention to the vote.

The Convention was adopted on a show of hands by forty votes to one.

C. Protocol relating to Military Obligations in Certain Cases of Double Nationality.

The President :

Translation : The Conference has now to consider the Protocol relating to Military Obligations in Certain Cases of Double Nationality (Annex 6).

The discussion is now open.

Mr. Miller (United States of America) :

The provisions of this Protocol (Annex 6), which relate to exemption from military service, are, in the opinion of the Government of the United States of America, highly desirable. There are, however, certain other clauses of the Protocol which the delegation of the United States considers should receive further examination by its Government.

The delegation of the United States will therefore vote in favour of this Protocol, but, in view of possible reservations on certain points, reserves the question of signature. Nevertheless, the Protocol, and all questions related thereto, will receive the most thoughtful and sympathetic consideration of our Government.

The President :

Translation : If no other member wishes to speak, I shall put to the vote the first Protocol relating to Military Obligations in Certain Cases of Double Nationality.

This Protocol was adopted on a show of hands by thirty-three votes to seven.

D. Protocol relating to a Case of Statelessness.

The President :

Translation : The Conference has now to consider the Protocol relating to a Case of Statelessness (Annex 7).

The discussion is now open.

Mr. Miller (United States of America) :

The delegation of the United States of America, while refraining from signing the present Protocol, has referred the same to its Government for further consideration. It will therefore abstain from voting thereon.

M. Göppert (Germany) :

Translation : The German delegation will also refrain from voting.

The President :

Translation : If there is no other speaker, I shall take a vote on the Protocol relating to a Case of Statelessness.

The Protocol was adopted on a show of hands by thirty-one votes to one.

E. Special Protocol concerning Statelessness.

The President :

Translation : We have now to consider the special Protocol concerning Statelessness (Annex 8).

The discussion is now open.

Mr. Miller (United States of America) :

The Government of the United States of America is not in accord with certain provisions of this Protocol. The delegation of the United States of America will therefore refrain from signing it.

The President :

Translation : If no other delegate desires to speak, a vote will be taken on the special Protocol concerning Statelessness.

The Protocol was adopted on a show of hands by twenty votes to eleven.

F. General Recommendations adopted by the Nationality Committee.

The President

Translation : The discussion is now open on the Recommendations adopted by the First Committee (Annexe 11, page 163).

Recommendation I.

This recommendation was adopted unanimously.

Recommendation II.

This recommendation was adopted by twenty-nine votes to four.

Recommendation III.

This recommendation was adopted unanimously.

Recommendation IV.

This recommendation was adopted by thirty-four votes to one.

Recommendation V.

Mr. Miller (United States of America) :

The Government of the United States of America is heartily in accord with the first paragraph of the proposed recommendation, and if that paragraph stood alone would gladly support it. However, the principle embodied as desirable in the first paragraph of the proposed recommendation is, at least to a large extent, nullified by the second paragraph. The principle embodied in the first paragraph is the immediate loss of nationality in one State on naturalisation in another. The principle embodied in the second paragraph is that the loss of nationality in the first State is subject to conditions required by the law of that State. Accordingly, and solely because of the second paragraph of the recommendation, the United States of America is obliged to oppose the recommendation.

The President :

Translation : In view of Mr. Miller's declaration, I think it desirable to take a separate vote on the two paragraphs of this recommendation.

M. Giannini (Italy) :

Translation : As this recommendation is in the nature of a compromise, a vote cannot be taken separately on each paragraph. The recommendation must be accepted or rejected as a whole. If it were agreed to divide it up, the States which object to this division would be obliged to vote against the recommendation. This would be the position of the Italian delegation.

The President :

Translation : Mr. Miller did not ask for a separate vote. It was I who made the suggestion.

Mr. Miller (United States of America) :

I now ask that a vote be taken separately on each paragraph of the recommendation.

The President :

Translation : As a request has been made to divide up the recommendation, we shall vote in the first place on paragraph 1, then on paragraph 2, and finally on the whole recommendation. Does M. Giannini agree ?

M. Giannini (Italy) :

Translation : Yes.

Paragraph 1 of Recommendation V.

Paragraph 1 was adopted by thirty-eight votes to four.

Paragraph 2 of Recommendation V.

Paragraph 2 was adopted by thirty-one votes to seven.

Recommendation V as a whole.

Recommendation V was adopted by thirty-six votes to four.

Recommendation VI.

This recommendation was adopted by thirty-six votes to two.

Recommendation VII.

Recommendation VII was adopted by thirty-five votes to two.

Recommendation VIII.

M. Giannini (Italy) :

Translation : I shall not vote on this recommendation. The League of Nations cannot be asked, in view of the differences in national law, to hold conferences on problems which are so complicated in character and so difficult to solve in practice.

Recommendation VIII was adopted by forty votes to one.

The President :

Translation : I cannot adjourn the meeting without congratulating the First Committee, which has had the satisfaction of attaining results which, although not complete, are at least of considerable importance. In particular, I would congratulate the Chairman, M. Politis, and the Vice-Chairman, by whom he was so worthily replaced, on their success in presiding over the discussions of the First Committee.

M. Politis (Greece) :

Translation : I wish to thank you, Sir, very sincerely, and also M. Nagaoka and the first delegate of Roumania for the kind remarks you have made. It has been a great pleasure to me to preside over the First Committee and I am specially gratified with the results of its work. I shall always retain pleasant memories of my co-operation with my colleagues.

The Conference rose at 12.10 a.m.

SEVENTH PLENARY MEETING

Friday, April 11th, 1930, at 5.30 p.m.

President : M. HEEMSKERK.

16. — WORK OF THE THIRD COMMITTEE (RESPONSIBILITY OF STATES FOR DAMAGE CAUSED IN THEIR TERRITORY TO THE PERSON OR PROPERTY OF FOREIGNERS).

(On the invitation of the President, M. Basdevant, Chairman of the Third Committee, took his place on the platform.)

The President :

Translation : The first item on the agenda is a communication by the Chairman on the work of the Committee dealing with the question of the Responsibility of States.

M. Basdevant (France), Chairman of the Third Committee :

Translation : Mr. President, Ladies and Gentlemen, — I have the honour to report to the Conference that the Third Committee has been unable to finish the examination of the questions relating to the responsibility of States for damage caused in their territory to the person or property of foreigners.

The Third Committee accordingly is not in a position to submit to the Conference any conclusions on this question.

The President :

Translation : From the communication made by the Chairman of the Third Committee, it will apparently not be possible to formulate any resolutions regarding the work done by the Third Committee.

If, however, we cannot congratulate the Chairman or the Rapporteur or the members of the Third Committee on the results secured, we can nevertheless confidently affirm that we appreciate the great pains they have taken and the ability they have displayed in the discussions in Committee.

We are all convinced of the high competence of M. Basdevant and M. de Visscher, the Rapporteur ; they have done an enormous amount of work. If public opinion does not at present see the results, we firmly believe that this work will not be fruitless. We know how heavy was the task imposed on M. de Visscher and how conscientiously he discharged his duties.

Accordingly, I would propose that we should take note of the communication made by the Chairman of the Third Committee and thank that Committee, and more particularly the Chairman and the Rapporteur, for the trouble they have taken and the work they have performed with so much ability.

Agreed.

17. — GENERAL RECOMMENDATIONS WITH A VIEW TO THE PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW : REPORT OF THE DRAFTING COMMITTEE (Annex 9).

(On the invitation of the President, M. Giannini, Chairman of the Central Drafting Committee, and M. Pépin, Rapporteur, took their places on the platform.)

M. Pépin (France), Rapporteur :

Translation : Mr. President, Ladies and Gentlemen. The recommendations prepared by the Drafting Committee have been circulated to you (Annex 11, page 171 [1]). I should like to give, in connection with each recommendation, two or three words of explanation to indicate their object and the reasons why they are being submitted for the approval of the Conference.

The first recommendation follows from a provision inserted in the Convention and the Protocols, whereby nothing in the Convention or in the Protocols shall affect the provisions of any Treaty, Convention or Agreement in force between any of the contracting parties. It was naturally thought to be desirable, with a view to facilitating the codification of international law, that States, when concluding conventions in future, should be guided by the provisions contained in the instruments adopted by the Conference.

The second recommendation, which was made on the proposal of a group of delegations, refers to scientific work necessary or useful for the preparation and discussion at codification conferences of the subjects placed on the agenda.

In the first place, the Drafting Committee thought it right to thank all those who, by work done either in the past or for the immediate purposes of the present Conference, have contributed to the development of the idea of codification and to the investigation of the subjects placed on the agenda. Special reference should be made to the work of the Harvard Law School.

It then appeared desirable to ask that new scientific work should be undertaken. This will naturally facilitate the preparation and proceedings of subsequent conferences for the codification of international law.

That was the object of the second recommendation.

The third recommendation points out that the work carried out elsewhere for the codification of international law must not be overlooked, and in particular, the work undertaken by the Conferences of the American States.

Finally, in the fourth recommendation, the Drafting Committee, after noting the proposals made, on the one hand, by the Hellenic delegation and, on the other, by the Danish delegation, and after discussing this question with the assistance of M. Politis and M. Cohn, thought it desirable to draw the attention of the League of Nations to the necessity of organising in a certain way the preparatory work for the subsequent conferences on international law.

The Committee makes no claim to lay down a final procedure, but it has thought it desirable to indicate in some way the results of the experience gained at the present Conference. It mentions no particular organisation or committee in the recommendations ; but no existing organisation or committee is excluded. It will naturally be for the League of Nations to make the choice, and eventually to decide on the composition of the preparatory bodies.

Such are the recommendations the general object of which is to ensure a continuation of the work for the progressive codification of international law. The Drafting Committee hopes that the Conference will adopt these recommendations.

[1] The text of the Recommendations reproduced in Annex 11 is the final form as adopted by the Conference. The only difference between the final text and that submitted to the Conference by the Drafting Committee is in Recommendation No. IV, paragraph 1, the original text of which ran as follows :

"A small committee might be given the task of selecting a certain number of subjects suitable for codification by convention. A report indicating briefly and clearly the reasons why it appears possible and desirable to conclude international agreements on the subjects selected should be sent to the Governments for their opinion. The Council of the League of Nations might then draw up the list of the subjects to be studied, having regard to the opinions expressed by the Governments."

The President :

Translation : I consider that it would be best to submit the whole of these recommendations to the Conference. Delegates will be able to make declarations or reservations on any particular point.

Mr. Miller (United States of America) :

The delegation of the United States of America requests that its reservation on the first recommendation be noted in the record of the meeting.

M. Alvarez (Chile) :

Translation : This Conference has brought out clearly the differences between States, not only with regard to the existence or absence of certain principles and rules of international law, but also — and this is a more serious matter — with regard to the essential elements of international law, such as international morality and justice, sovereignty, the nature of legal principles and rules, their sources, their interpretation, etc.

We have also discovered that the method adopted for the preparation of the Conference might advantageously be modified and supplemented in future.

Accordingly, it now appears necessary to undertake scientific investigations into the whole field of international law, with a view to ascertaining precisely what its present position is, what lines of development are indicated for the future, and, in order to adopt sound methods of work, for carrying out the codification of this law.

As regards the scientific studies, they should bear, as I have just said, on the whole sphere of international law. International relations have undergone profound changes since the middle of the nineteenth century — and above all since the great war — in consequence of a great variety of circumstances which it is unnecessary to specify here. We must, therefore, take account of these changes and their influence on international law.

Scientific work towards this end must not be doctrinaire and purely academic in character, but must be positive and based on the observation of national life. It must, in particular, relate to factors of all kinds — political, economic, social and psychological — which exert influence upon it and impart to it new tendencies.

The essential elements of the law of nations must be subjected to severe and critical examination, in accordance with the results of this work, in order to determine exactly the nature and character of these elements, and to bring them into harmony with the new conditions of international life. This is what I call the reconstruction of International law. By means of this work it will be possible to avoid the misunderstandings that now exist on this subject to which I have just referred and which are detrimental to the prestige and development of international law.

The preparatory work for codification is no less important. Recourse must be had, in the first place, to the scientific investigations mentioned above. Thereafter, the drafts must be prepared, not by a conference, but by an organisation specially created for this purpose. That organisation, in order to do its work, would have to carry out a far-reaching enquiry into the individual subjects which it is desired to codify. It must consider, in particular, the more or less variable character of each question and its various aspects — political, economic, social or other. It will then investigate whether or not there are conventional or other rules governing the question, and, if so, the extent of those rules; that is to say, whether they are universal, regional, or *inter partes*. It will also indicate the practice of States and international case-law.

Finally, it will make a serious endeavour to ascertain the opinion of States on the proposed regulation, and the divergent interests and doctrines which may stand in the way. After this enquiry, it will decide whether the subject is or is not ripe for codification, how far it may be codified, and whether the work should be restricted to reproducing existing rules, or whether it is possible and desirable to embark on more or less bold reforms.

Special attention must be given to the work of codification undertaken by the States in the New World. This will be one of the best ways of forging a link — which unfortunately does not yet exist — between their work and the work in the same sphere which is being done by the League of Nations, and of preventing any antagonism between them.

I consider that, with the help of this twofold work — scientific and practical — great progress can be achieved in the work of codification and some contribution made by this means towards the realisation, at least in part, of the great aspirations of the nations for the firm establishment of peace, the triumph of international justice, and that greater confidence and unity which should exist between States forming the community of nations.

M. Guerrero (Salvador) :

Translation : I should like to draw the attention of the delegates who represent Members of the League of Nations to the fact that paragraph 1 in the fourth recommendation runs counter to a whole series of resolutions unanimously adopted by various League Assemblies.

Paragraph 1 of the fourth recommendation contains a request to the Council to appoint a small Committee to examine and decide on questions suitable for codification. As far back as 1924, a resolution, with which you are all familiar, was unanimously adopted by the Assembly of the League. Part of this resolution reads as follows :

. . . . . .

"Requests the Council to convene a committee of experts, not merely possessing individually the required qualifications, but

also as a body representing the main forms of civilisation and the principal legal systems of the world. This committee, after eventually consulting the most authoritative organisations which have devoted themselves to the study of international law, and without trespassing in any way upon the official initiative which may have been taken by particular States, shall have the duty :

"(1) To prepare a provisional list of the subjects of international law, the regulation of which by international agreement would seem to be most desirable and realisable . . . "

This deals with the same subject as paragraph 1 in Recommendation IV.

I would also draw your attention to the fact that this paragraph not only conflicts with these various decisions, but that it may be regarded as a criticism of the Committee of Legal Experts appointed by the Council of the League of Nations, of which the Chairman and Vice-Chairman are the very distinguished jurists, M. Hammarskjöld and Professor Diena. For this Conference to tell the Council that a small committee should be appointed to prepare future conferences would amount to saying that it thought that the Committee of Legal Experts had not made suitable preparations for the present Conference.

A few persons, who are not very well acquainted with the procedure adopted by the Committee of Experts, have criticised the choosing of questions that were not ripe for codification, such as those which have been considered here. This criticism is not passed, and cannot be passed, on the Committee of Experts, since that body was instructed to examine certain questions, to submit them to Governments, and, after receiving the replies from Governments, to indicate those that might be regarded as ripe for codification. Thus, the questions of responsibility of States and of territorial waters, which have presented numerous difficulties and which we have found it impossible to regulate, were chosen, not by the Committee itself on its own initiative, but because the majority of the States consulted replied that these were subjects which were ripe for codification.

In conclusion, therefore, I ask that paragraph 1 of Recommendation IV be omitted.

M. Medina (Nicaragua) :

Translation : As I myself am a representative at the League Assembly, I could not accept a recommendation which appears to conflict with a resolution unanimously adopted by that body.

The Committee of Experts, which consists of jurists of high and universally recognised competence, submitted, with a view to the present Conference, an admirable survey of the points with which the Governments thought a Conference should deal. Far from meriting anything that might be construed as blame, this Committee deserves the congratulations of our Conference. I think, moreover, that this is the view taken by most delegations. We should therefore not ask that the preparatory work for future conferences should be confided to a new committee, but should be left to the Committee of Experts, whose work has justified the unanimous vote of the Assembly.

M. da Matta (Portugal) :

Translation : I warmly support the views of M. Guerrero, the distinguished jurist who prepared the report of the Nationality Committee and thus gave such valuable assistance to the Conference. I do not see the advantage of the committee referred to in the recommendation under discussion.

In 1924, on the Swedish Government's proposal, which was converted into a resolution of the League Assembly, as M. Guerrero has mentioned, a Committee of Experts was appointed. This body rendered exceptional services of the greatest importance for the work of the League Assembly. It consists of jurists of the highest reputation and they are entitled to the gratitude of all the delegations here.

It is now proposed to create a small committee entrusted with the task of selecting subjects suitable for codification by convention and of reporting on these subjects. This proposal would lead either to the creation of a body doing work on the same lines as the Committee of Experts — we can all see the disadvantages of such an inexplicable duplication — or to the dissolution of the Committee of Experts. In the latter case, I think the Conference would be taking a decision which would be clearly detrimental to the work on which we are engaged.

Obviously, the work of the Committee whose duties would be terminated would not be lost, but there would be a break in the continuity of the work which has been pursued with the greatest competence, and I think that this would be entirely regrettable. I do not believe that the committee which it is proposed to set up would be more likely to achieve results than the Committee of Experts. We should bear in mind that the present Committee of Experts includes representatives of the various legal systems and the different forms of civilisation.

Reference is made in the recommendation to a " small " committee. If the Committee of Experts is too large, the right thing to do would, in my opinion, be to appoint a subcommittee of that body and to entrust it exclusively with the duties referred to in the recommendation.

M. Urrutia (Colombia) :

Translation : I warmly sympathise with and support the idea underlying the recommendations submitted to us. As regards the fourth recommendation, however, I share the opinion of M. Guerrero and the other speakers who have preceded me. The Committee of Experts for the Codification of International Law, which was appointed by the League of Nations, has performed fruitful

work. I have expressed more than once my appreciation in the Assembly of the League, and on the last occasion the Assembly decided, on a proposal which I myself submitted to it, to request the Council to ask the Committee of Experts to continue the work on which it was engaged.

I should prefer another wording for paragraph 2 of Recommendation IV. I admit that this recommendation contains a number of very useful ideas in regard to methods of work. It would be sufficient to entrust the Committee of Experts for the progressive Codification of International Law appointed by the League of Nations with this work, and to agree to all the indications on the methods of work contained in the recommendation. I am not in favour of suppressing the recommendation; all I want is that it should be modified. If the Conference agrees, we can ask the Drafting Committee to submit a new wording on the lines indicated.

In thanking the Secretariat for the work it has done, I should also like to express my gratitude to those who achieved important and fruitful work for peace in this very city at the two Hague Peace Conferences, and who laid the foundations for the codification of international law.

We should bid each other farewell in the confident hope that the work we have done in this Conference, with the generous support of the land of Grotius and with the active co-operation of the Netherlands Government — a work which is essential for international understanding and international justice — will be developed uninterruptedly.

We have encountered certain difficulties; but difficulties are inevitable in any human undertaking, and especially in so great a task as ours. The progress of ideas is slow, often difficult, and sometimes even painful. The second Peace Conference at The Hague could not give practical effect to what was thought to be a magnificent dream — the creation of the Permanent Court of International Justice. Nevertheless, the Court now meets in this city. The first Assembly of the League of Nations separated with a deep sense of the many difficulties it would have to overcome before it could secure acceptance of the compulsory jurisdiction of the Court. That jurisdiction has now been recognised by many great and small Powers.

On leaving The Hague, we should not dwell on the obstacles and disappointments we have experienced and on our failure to draw up certain instruments. The dominant feeling should be that the spirit of international cordiality and co-operation has been strengthened, as is shown by the breadth and dignity of our discussions and by the obvious desire of all the delegations to make our work a success.

Our distinguished President, to whom we owe a debt of gratitude for his great wisdom, his courtesy and his friendliness, will express the feelings of us all if he says to-morrow that the first session of the Conference for the Codification of International Law convened by the League of Nations is closed, but that the work of codification is being continued.

Mr. Beckett (Great Britain):

I think the last speakers have misunderstood the meaning of this first clause of Recommendation IV. It has been interpreted, entirely wrongly in my opinion, as a sort of criticism of the work of the Committee of Experts. I am quite sure that nothing was further from the intention of the persons who drafted the recommendation. The words actually used are "a small committee". It does not say that this committee is to be a different one from that which did the work before. It does not say that it is not to be the Committee of Experts. The choice of the committee must be left to the League of Nations. I do not think that this Conference can possibly presume to make the choice itself.

There is nothing in the words of this recommendation to suggest that the League of Nations should not, if it thinks fit, choose the existing Committee of Experts as the small committee by which this other work is to be done. I do not think the Conference should go further. I do not think it would be proper for the Conference definitely to say that the present Committee of Experts should continue the work — not because I wish to express the opinion that it should not, but because, in my view, it is not for us to make any specific recommendation on the subject.

Similarly, I think it would be a great mistake if the last paragraph of Recommendation IV, which refers to the necessity of preparing the work of the next conference a sufficient time in advance, were in any way to be taken as a criticism of the preparatory work which has been done for the present Conference. At any rate, that is not how I understand the recommendation, and I am sure my delegation does not wish to make any such criticism.

I should like to say one word on the general understanding with which my delegation accepts this series of recommendations. They all refer to a future codification conference, but my delegation understands them in the following way: they are suggestions as to procedure which, from the experience gained here, we think may be helpful if and when the League of Nations decides to convene another codification conference.

The whole question whether, and if so when, a second codification conference should be convened is a matter for the League of Nations, and my delegation, at any rate, would not feel able to express any opinion upon it now. It is therefore on this understanding that the British delegation accepts these four recommendations.

We must not, I think, run away with the idea that codification is the only method by which the law may be developed. It no doubt is, in the proper case, a very useful method, but it would be a great mistake to think that it is the only method by which this work may be developed, and that universal codification is a thing to be adopted merely

for the sake of doing something and in order to advertise the efforts which are being made along the path of progress. Used in the proper way and in the proper case, it is no doubt a method which makes for progress ; but universal and ill-considered efforts would not achieve the desired object at all.

M. Cohn (Denmark) :

Translation : I entirely agree with the view of the British delegate. I cannot admit that the wording in paragraph 1 of Recommendation IV contains any criticism on the work of the Committee of Experts.

I would draw your attention to the fact that paragraph 1 does not merely refer to the authorities who have to execute the preparatory work. It contains very useful suggestions for future work in connection with the codification of international law. I therefore ask that paragraph 1 should be retained.

In my opinion, there is no need to discuss the question whether the present Committee of Experts or a new small committee should do this work. That is a matter we can leave to the Council of the League.

I would therefore ask you to omit a reference to the " small committee ", and merely to say : " A certain number of subjects suitable for codification by convention might be selected ; a report . . . "

M. Giannini (Italy) :

Translation : The holy monk of Todi said : " *Dove è piana la lettera, non fare oscura glossa* ". When the text is clear there is no need for any obscure commentary. M. Pépin thought that the proposals he was submitting to the Conference were so clear that it was enough to summarise them in a few words. And this is what has happened : *Brevis esse laboro, obscurus fio.*

We have become somewhat obscure, and we shall have to remove certain apprehensions. I am bound to say that I do not very clearly understand these apprehensions. Some delegations have thought that the recommendations contained some criticism regarding the preparation of the Conference. The Drafting Committee had no intention whatever of passing any such criticism.

I should like to say a word or two on the first of the recommendations which we are asking you to approve. States are free to conclude bilateral conventions in future to deal with special situations ; the work of progressive codification must not arrest the framing of such agreements. But, seeing that States regard codification as being a matter of general concern, they are asked to follow as closely as possible the principles we have laid down. This recommendation has been drafted so prudently that no objection has been raised. Accordingly, the Drafting Committee feels that it has correctly interpreted the views of the Conference.

In the second recommendation, which was submitted to the Drafting Committee by our esteemed colleague M. Alvarez, reference is made to the distinguished jurists and the international or national institutions interested in the codification of international law. We call upon them to continue the work begun, whether this refers to the whole sphere of international law or to particular subjects. I would add that, on my proposal, we addressed our thanks to these persons and institutions. They have helped to prepare the way for the work we had to accomplish.

I desire at this point to express my appreciation of the able assistance given us by our esteemed colleague M. Alvarez. We are all aware that he has been engaged for a great many years now on propaganda work for the codification of international law.

I do not desire to thank M. Alvarez alone. However, I am sure that our other colleagues, whose work we highly value, will excuse me if I do not mention any other names. We wish to express our thanks without singling out any delegates for particular mention.

The third recommendation refers to work that has already been done. Admittedly, a precedent is always regarded as of some importance, even by the most liberal minds. This recommendation was also suggested by M. Alvarez. Last year we made a first attempt to generalise the rules of air navigation. We adopted M. Alvarez's proposal in an endeavour to bring our work of codification into harmony with the work of the American States.

I now come to the fourth recommendation. In the first place, I desire to say at once that our object was to draw the Conference's attention to the fact that we intended, in this recommendation, to express our sincere thanks to the Committee of Experts, which began the work, and to the Committee of Five, which prepared and indicated the immediate task of the Conference. I shall do so very briefly, and you will readily understand my reasons. The Vice-Chairman of that Committee is my dear friend and colleague, the second member of the Italian delegation. I really should not like to appear to be paying him too elaborate compliments. But there are other experts of that Committee here — we know them all — and I think it is the duty of the Conference to express its gratitude both to the Committee of Experts and to the Committee of Five.

You will thus easily realise that we had no intention whatever of criticising the Committee of Experts. My esteemed friend M. Guerrero will allow me to make the frank and friendly observation that I regret that he has raised a question which never occurred to us. I think he will accept this very clear and very unequivocal statement.

It is not our intention to say whether the committee referred to should be the present Committee of Jurists or another committee. We merely speak of a " small committee ". Do you think that the Committee of Experts is too large ? Is it the word " small " to which you object ? For my part, I would very

readily agree to omit the word. We could perfectly well say: "A Committee might be entrusted with the task of selecting . . . " Thus, as was rightly pointed out by Mr. Beckett, who can be cited as a witness for the purity of our intentions, we do not say that the League should entrust any particular committee with the work in question. It will be the duty of the Council of the League, in the exercise of its powers, to decide whether this task should be entrusted to the Committee of Experts or to another body. If it utilises the services of the Committee of Experts, I think we shall all receive that decision with satisfaction.

I would, however, remind the Conference that this is, after all, a small matter, and I should not like the value of the recommendation to suffer in any way in consequence of this incident. The fact that nothing has been said on the other questions mentioned in the recommendation seems to show that we are in agreement. Now it is precisely on the proposals that we have made that I should have welcomed practical suggestions from my colleagues. It is our desire that the technical preparation of future conferences should, if necessary, be improved in the light of the experience gained during our meetings.

The recommendation is also important from another point of view, which I shall merely indicate. It may be said that each kind of law should be codified in a special way. There is one method for the codification of maritime law and another for the codification of private air law or public air law. The Scandinavian countries employ a method of progressive codification of their own. The American States have also a special method for the codification of Pan-American law. We desire to ascertain whether our experience cannot furnish a few suggestions which will be helpful for the continuation of the work we have only begun.

I realise that it is a difficult matter for anyone who is making history to look at events in the spirit of the historian and to draw practical conclusions from the work that has been done. Nevertheless, we shall not be able to meet again to make these practical suggestions. We must frame them as a result of our present and living experience. What are the practical proposals that we are laying before you? I would ask you to look at them attentively and to make suggestions as to the methods which we should adopt.

Paragraph 1 contains new suggestions which I commend to your notice. First of all, the Committee will have to prepare "a report indicating briefly and clearly the reasons why it appears possible and desirable to conclude international agreements on the subjects selected". We then go on to say that the final decision will be taken by the Council, having regard to the opinions expressed by the Governments. There are two new proposals here.

It is stated in paragraph 2 that an appropriate body might be given the task of drawing up a draft convention. This draft would be communicated to the Governments with a request for their opinion. It may, of course, be said that the League did this when it drew up the Bases of Discussion, seeing that they were communicated to the Governments. We add, however, that the opinions of the various Governments should be forwarded to the other Governments, so that the latter can see whether the replies thus submitted to them offer possibilities of agreement. If such an exchange of views were decided on, the work for the next conference might be better prepared.

Finally, we propose that the Council might place on the programme of the conference such subjects as were formally approved by a very large majority of the Powers which would take part therein. In this paragraph we are pointing out the inexpediency of placing on the agenda of the conference questions on which there is still a certain hesitation which might hamper the successful performance of the work.

These, therefore, are purely practical suggestions with the object of making slight changes in the procedure hitherto adopted. If we examine the preparatory work undertaken by the League, we shall see that it first drew up questionnaires, then received the replies to these questionnaires and, after that, laid down the Bases of Discussion and communicated them to the Governments. We suggest a slight modification in this procedure.

I would add that this recommendation has something more than a mere technical value. It has, above all, a moral value in that, by considering the matter in its technical aspect and by making practical suggestions for the next conference, we are expressing our firm resolve that the work should be continued.

It is in this spirit that I would request the Conference to take a broad view of the problems and approve the four recommendations which the Drafting Committee has prepared with the assistance of some of the members of the Conference who have made practical suggestions. I ask you to approve them with the small change that has been suggested. This would remove the anxiety felt by a number of our colleagues. I beg you to dismiss from your minds certain ideas which never occurred to us. We prepared this recommendation in the firm and certain belief that, though the work has been begun, it is not finished.

M. Alvarez (Chile):

Translation: Permit me to convey my warmest thanks to M. Giannini, the distinguished delegate of Italy, for the extremely kind way in which he has spoken of my modest efforts for the codification of international law.

The President:

Translation: We have now reached a point when the discussion should be summed up.

The statements of Mr. Beckett and M. Giannini clearly show that the Drafting Committee had no intention of blaming in any

way whatever the Committee of Experts or its work. M. Urrutia, though not entirely satisfied with the wording of paragraph 1 of Recommendation IV, does not ask that it should be omitted. I think the Conference wants a formula which will retain this first point slightly amended.

Two suggestions have been made. M. Cohn proposes the following wording: "A certain number of subjects suitable for codification by convention might be selected". The other is put forward by the Chairman of the Drafting Committee. It is: "The committee entrusted with the task of selecting a certain number of subjects suitable for codification by convention might set up a report indicating briefly and clearly . . . "

If I am not mistaken, "the committee entrusted with the task of selecting a certain number of subjects suitable for codification by convention" can only be the Committee of Experts of the League, and this body has been asked to continue its work. Naturally, if the wording proposed by M. Giannini in his speech is adopted, the League retains full freedom to set up another committee. That, however, is not a matter for us to decide.

If the Conference accepts the wording suggested by M. Giannini, the first Committee called upon to deal with this task will, as matters now stand, be the Committee of Experts. If this wording is accepted, M. Guerrero will perhaps be satisfied and will not insist on the deletion of the paragraph.

M. Guerrero (Salvador):

Translation: I am satisfied with the wording suggested by M. Giannini.

M. Cohn (Denmark):

Translation: I also agree.

The President:

Translation: M. Giannini's wording is: "The committee entrusted with the task of selecting a certain number of subjects suitable for codification by convention might draw up a report . . . "

If no other delegate desires to speak, we shall vote on Recommendation IV as a whole, with the modification proposed by M. Giannini.

A vote was taken by a show of hands. The text of the recommendation as amended was adopted unanimously.

The Conference rose at 7.30 p.m.

EIGHTH PLENARY MEETING

Saturday, April 12th, 1930, at 10.30 a.m.

President: M. HEEMSKERK.

18. — EXAMINATION OF THE REPORT OF THE SECOND COMMITTEE (TERRITORIAL SEA).

(On the invitation of the President, M. Göppert, Chairman of the Second Committee, and M. François, Rapporteur, took their places on the platform.)

The President:

Translation: The first point on our agenda is the consideration of the Second Committee's report on the Territorial Sea (Annex 10).

I call upon M. François, Rapporteur of the Committee, to speak.

M. François (Netherlands) Rapporteur:

Translation: I have the honour, on behalf of the Second Committee, to submit the report showing the results of the work done during the past few weeks. The Second Committee has been less fortunate than the First Committee and is not in a position to submit to the Conference the text of a Convention for signature. That must not be taken to mean that agreement on a great many points has not been reached. Two groups of articles have been framed, or at least outlined — one relating to the legal status of the territorial sea and the other to points which are mainly of a technical nature.

Taken as a whole, these provisions might have been embodied in a comparatively complete convention on the subject if agreement had been reached on the main point, namely, the breadth of the territorial sea. Unfortunately, all efforts to reach such agreement were unavailing.

As the main point was not settled, the provisions on the other matters — and in the first place those on the technical points — had also to be held over, seeing that they represented in some cases the results of compromises which were accepted on the tacit or expressed condition that agreement would be reached on the breadth of the territorial sea. Nevertheless, we have reason to hope that these articles may subsequently be revived.

We can point to the case of other proposals to which practical effect could not be given immediately, owing to the absence of agreement on the essential points, but which, later on, were carried into execution. I would refer, in particular, to the scheme for setting up a Court of Arbitral Justice, which was worked out in 1907 by the Second Peace Conference in the very hall in which we are now meeting. As you are aware, agreement could not be reached on the provisions relating to the composition of the Court. The scheme lay in abeyance for thirteen years, when a solution was finally found. The incomplete scheme of 1907 furnished a basis for the Statute of the Permanent Court of International Justice.

Are we too rash in hoping that this illustrous example will be repeated, and that our articles on the territorial sea will one day form part of a convention regulating the entire status of that sea ?

At the same time, we cannot conceal our deep disappointment that the Committee has not been able to achieve its object at once. During the past few weeks, we have clearly seen the difficulties in the way of the codification of international law. We have a long and difficult road to traverse.

It would, no doubt, be a serious mistake, as the British delegation pointed out yesterday, to overrate the importance of codification and to underestimate the services which may be rendered by international practice, with the help of doctrine, in the development of the law of nations. Nevertheless, the codification of international law appears to be necessary, as well as the development of practice and of doctrine.

The subjects to be codified must, however, be selected with the greatest care. Conferences convened to codify questions which are not sufficiently ripe for treatment can do nothing towards removing or reducing the divergencies of view existing between States. They may even at times increase these divergencies. Fortunately, the discussions in the Second Committee did not lead to this unhappy result. They were carried on under the able chairmanship of M. Göppert in an atmosphere of good understanding and of perfect harmony and frankness.

On the main point — the breadth of the territorial sea — we could not, it must be admitted, come to an agreement ; but I am sure that we shall all carry away with us a deeper understanding and a more accurate appreciation of the reasons which have led certain delegations to uphold views differing from our own.

All those who recognise how necessary it is for the nations to understand each other, if they are to maintain harmonious relations, will not regard the discussions in the Second Committee on the breadth of the territorial sea as being without value.

It is in this spirit that the Second Committee carried through its work and is now submitting the results of this work to the Conference.

The President :

Translation : The Second Committee has not succeeded in submitting to the Conference a draft Convention, and we cannot congratulate it in the same way as we congratulated the First Committee. We ought, however, to express our thanks to it, since it has accomplished important work, and is submitting to us a number of articles for a Convention on the status of the territorial sea.

While this result is no doubt due to the zeal displayed by all delegates, it is very largely attributable to the ability and tact of M. Göppert, the Chairman. As was the case in the First Committee, a spirit of accommodation and goodwill was constantly displayed during the discussions. We must congratulate and thank M. François, the Rapporteur, who has embodied the results of the Committee's discussions in an excellent report. This document will be of great value if — and we hope this will soon be the case — the work begun can be completed.

I think, therefore, that we ought to congratulate the Second Committee also, thanking it warmly for the trouble it has taken in preparing its work, and that we should thank the Chairman and the Rapporteur in particular.

The Second Committee proposes to forward a recommendation to the Council of the League of Nations :

> " Lastly, the Committee proposes that the Conference should recommend the Council of the League to convene, as soon as it deems opportune, a new Conference, either for the conclusion of a general convention on all questions connected with the territorial sea, or even — if such a course seems desirable — of a convention limited to the points dealt with in Annex 1. "

It also proposes the two following recommendations :

1. " The Conference recommends that the Convention on the international regime of maritime ports, signed at Geneva on December 9th, 1923, should be supplemented by the adoption of provisions regulating the scope of the judicial powers of States with regard to vessels in their inland waters. "

2. " The Conference,

" Taking into consideration the importance of the fishing industry to certain countries ;

" Recognising, further, that the protection of the various products of the sea must be considered not only in relation to the territorial sea but also the waters beyond it ;

" And that it is not competent to deal with these problems nor to do anything to prejudge their solution ;

" Noting also the steps already initiated on these subjects by certain organs of the League of Nations :

" Desires to affirm the importance of the work already undertaken or to be undertaken regarding these matters, either through scientific research or by practical methods; that is, measures of protection and collaboration which may be recognised as necessary for the safeguarding of riches constituting the common patrimony."

The following resolution will be found in the Second Committee's report :

" The Conference,

" Notes that the discussions have revealed, in respect of certain fundamental points, a divergence of views which, for the present, renders the conclusion of a convention on the territorial sea impossible, but considers that the work of codification on this subject should be continued. It therefore :

" (1) Requests the Council of the League of Nations to communicate to the Governments the articles annexed to the present resolution and dealing with the legal status of the territorial sea, which have been drawn up and provisionally approved with a view to their possible incorporation in a general convention on the territorial sea ;

" (2) Requests the Council of the League of Nations to invite the various Governments to continue, in the light of the discussions of this Conference, their study of the question of the breadth of the territorial sea and questions connected therewith, and to endeavour to discover means of facilitating the work of codification ;

" (3) Requests the Council of the League of Nations to be good enough to consider whether the various maritime States should be asked to transmit to the Secretary-General official information regarding the base lines adopted by them for the determination of their belts of territorial sea ;

" (4) Recommends the Council of the League of Nations to convene, as soon as it deems opportune, a new conference, either for the conclusion of a general convention on all questions connected with the territorial sea, or even — if that course should seem desirable — of a convention limited to the points dealt with in the following Annex." (These articles are reproduced in Annex 11, p. 165-169.)

M. Giannini (Italy) :

Translation : This Conference has shown very clearly that it is impossible simply to codify the principles of existing international law. We are encountering the same difficulties in the codification of public law as are daily being experienced in the codification of private law. The old view, which merely consisted in preparing conventions to settle the conflict of laws, must be discarded. Whether we wish it or not, we are compelled to lay down rules in regard to the substance of the questions dealt with, or to adopt systems based on compromises, for the purpose of settling the conflict of laws. Such systems, however, are bound to touch upon questions of substance.

Above all, in this matter of the territorial sea, we discovered that the mere recognition of existing national law is not enough for the needs of modern life. We must have the courage to devote time to the question and to draw up conventional rules in regard to which the individual States must be prepared to agree to compromises in the general interest, this general interest coinciding with the national interest. International interests cannot be regarded as the antithesis of national interests.

I shall now ask my colleagues to clear their minds of certain anxieties and of any feeling of pessimism in regard to the work done by the Second Committee. I think, indeed, that we can be satisfied with what we have accomplished.

When we began our discussions, we felt some embarrassment, and were doubtful if agreement could be reached on certain points. Nevertheless, we can show some tangible results. We have recognised once more that States possess sovereignty over territorial waters. Some differences of opinion were noted in the Committee, but they were mainly on theoretical matters. As you are aware, certain Governments regard the theory of sovereignty as being the fashion at present. Accordingly, an effort was made to secure the adoption in a convention of theoretical principles which were shown to be without any practical value. Nevertheless, we agreed on the principle, while retaining our own views on the general question. Again, we once more laid it down in our work that the freedom of navigation, which meets an essential need of all nations — whether seafaring nations or not — must be recognised.

A few delegations raised the old problem of the freedom of the sea. Our esteemed Colombian colleague submitted a memorandum on the question, to which we did not devote particular attention. The memorandum deals with questions of so general a nature that it was difficult to take it into consideration.

We then went on to the problem of the breadth of the territorial sea. We found that, on this point, each State had its own requirements based upon geographical or other general reasons. There is no settled principle on the matter. Some countries ask for a breadth of three miles, others want four, six, ten, twelve or eighteen miles. Under these circumstances, could we reach an immediate agreement ? Every State made it clear that it could not surrender what it already possessed. Nevertheless, States which asked for a greater breadth then six miles could have accepted a compromise on the basis of six miles. But we were forced to recognise that States in favour of three miles would not give up their point of view. Naturally, the other countries were not prepared to surrender their system.

We next considered whether a decision could be taken in regard to certain rights, or more

correctly certain powers, which States at present exercise beyond the limits of the coastal sea. We found that what it was proposed to call the " contiguous zone " could cover powers at present exercised outside the coastal sea, and other powers which might be described as a form of " disguised sovereignty ". This, as you see, was an attempt to lay down conventional principles to facilitate agreement between the countries which are in favour of a breadth of three miles. In point of fact, all of them do not recognise this principle unconditionally. Some of them claim three miles and no further rights outside the coastal sea, while others claim three miles; and, in addition, rights outside that sea over an area which may extend to twelve miles. The States which asked for six miles then raised the question whether a greater breadth could not be assigned to the territorial sea in the interests of the freedom of navigation.

It was this central problem, which I have summed up in a few words, which arrested our progress. This is a matter which cannot be regulated by a convention. There is, in point of fact, no universally recognised international law in this domain.

The Committee then recognised that there were historic situations — " historic " bays, although the use of the adjective was criticised. This conception was also extended from bays to certain historic waters. It will be the first time that this adjective used in this sense will appear in official documents. I think that it would not be difficult to reach agreement on this matter. We were, however, held up by certain questions of fact, because we were not very clear as to what these historic situations actually are.

We then proposed to lay down a few general rules which would recognise the existing historic situations under the present conditions of modern life.

In conclusion, we discussed at very great length the establishment of the rules which we have summed up in the note appearing as an annex to one of the recommendations submitted to the Conference. These rules, which were originally drawn up for inclusion in a convention, are of so fragmentary a character that we thought it advisable to set them out as the provisional results of our discussions and as useful material for future work.

Other problems formed the subject of long technical and legal discussions. We thought, however, that these rules were still of too provisional a character to be approved even by the Committee.

Our work shows very clearly that the mere recognition of existing law is not sufficient for the requirements of modern life. Seeing that we could not frame a convention which would be of service to international navigation and meet modern requirements, we noted principles which are universally recognised and we have left the question of conventional rules of law for a later date. We thought we could, at a date not too distant, frame rules which would not only take account of the general interests of States in regard to the coastal sea, but would also increase the freedom of navigation in the interests of international sea-borne traffic.

We also considered the question whether at a future conference rules could be drawn up that would reconcile the rights of a State over the territorial sea and certain interests of aerial navigation. Our colleague, M. Gidel, urged that this question should be held over and should be dealt with at the same time as the requirements of aerial navigation in the area we have provisionally called the " contiguous zone ".

States which have few raw materials are faced also with other problems, more particularly with that of the exploitation of the sea bottom.

Could we lay down any precise rules on this matter ? In view of our inability to forecast future requirements, and having regard to the tendencies of the various nations, we reached the conclusion that, while reserving the rights of the State over the coastal sea, we ought to increase the freedom of navigation in every possible way. For these reasons we accept the existing historic situations and the so-called " historic " bays and waters, but we are opposed to the creation of any new historic situations, as this would mean a restriction on the freedom of maritime navigation.

I would refer here to the principle embodied in the Barcelona Convention, which contains the Statute on the freedom of navigation.

For these various reasons, in view of the necessity of extending the freedom of navigation and of taking into account the essential requirements both of nations which derive their livelihood from the sea and of these which live in countries without any coastal sea, we have always held that maritime navigation has fundamental rights.

In this connection, I would quote the words of our poet : " *Navigare necesse est, vivere non est necesse* ". We are endeavouring to develop navigation because it meets the fundamental requirements of the life of nations.

Under these circumstances, I consider that we should not be pessimistic. After all, we have obtained positive results. We can, for example, point to the articles given as an annex to one of our recommendations, and to the recommendation in which we laid down certain rules of great importance for our future work. We consider that, in the near future, we can resume our work with the best prospects of success, and that an agreement will result from that detailed examination.

For these reasons I am not pessimistic, and this I also stated in the Committee and at the meetings of our Conference. As I view the matter, we have made progress with the problem and we can regard the future with

greater calmness. I shall therefore confidently vote for the report and the two recommendations formulated by the Committee.

I will take this opportunity of again thanking our distinguished Chairman, as well as the Vice-Chairman and the Rapporteur. The report submitted to us represents a great deal of work. It reflects our discussions with what I might almost call photographic accuracy.

When this historic hour has passed and when we again read the text of the report in all tranquillity, we shall not suffer from the pessimism that overtook us during the discussions in the Committee, and even in the Conference. We can leave The Hague in the belief that we have made progress with the problem and have furnished material for future work.

The President :

Translation : I am sure that, when we reread the record of the present meeting, we shall give special attention to M. Giannini's speech. The intention of the speaker has doubtless been to hold out some prospect of accommodation in the future.

As no other delegate wishes to address the Conference, we shall vote on the resolution which I have read. (Annex 11, p. 165).

The resolution concerning the continuation of the work on questions relating to territorial sea was unanimously adopted.

The President :

Translation : We shall vote on the first recommendation on page 125 of Annex 10.

A vote was taken by a show of hands and the recommendation was adopted unanimously.

The President :

Translation : The second recommendation will be found at the foot of page 125 of the same Annex.

A vote was taken by a show of hands and the second recommendation was adopted unanimously.

(M. Göppert and M. François left the platform.)

19. — EXAMINATION OF THE FINAL ACT OF THE CONFERENCE.

(On the invitation of the President, M. Giannini, Chairman of the Central Drafting Committee, and M. Pépin, Rapporteur, took their places on the platform.)

The President :

Translation : The next subject on our agenda is the approval of the Final Act of the Conference, which has just been circulated and is to be signed this afternoon (Annex 11). As we have not had time to read the whole document, I think it desirable to call on M. Pépin, the Rapporteur of the Drafting Committee, to give us a few necessary explanations.

M. Pépin (France), Rapporteur :

Translation : Mr. President, Ladies and Gentlemen, — It was not possible to circulate the Final Act sooner, notwithstanding all the efforts of the Secretariat and, in particular, of Mr. McKinnon Wood.

This document contains a record of the work of the Conference. It has been prepared on the lines of the acts drawn up at the close of other Conferences. It is, however, perhaps desirable, seeing that you can scarcely have had time to examine it, for me to give a few explanations as to its general arrangement.

The Final Act opens with a list of the delegations that have taken part in the work of the Conference and the States that replied to the invitation of the Council of the League of Nations.

Next comes a list of the questions on the agenda of the Conference and particulars of the officers of the various Committees which had to consider these questions.

Then follow the results of the work of the different Committees, as approved by the Conference during the past two days. In the first place, mention is made of the four acts concerning nationality which will be signed at the same time as the Final Act; and, secondly, the eight recommendations, also relating to the question of nationality, are quoted in full. Next comes the resolution adopted by the Territorial Waters Committee and, as an annex, the Legal Status of the Territorial Sea. It will be seen that the Territorial Waters Committee felt that the expression "territorial sea" was more appropriate to the subject. Then follow the two recommendations which have just been approved by the Conference on the same subject.

Lastly will be found the formula adopted by the Committee on Responsibility itself for insertion in the Final Act. It can therefore give rise to no objection.

The general recommendations adopted in plenary session by the Conference last night, with the modification approved by the Conference in paragraph 1 of Recommendation IV, are set out on page 171.

The President :

Translation : We have to thank the Drafting Committee very cordially for the great trouble it has taken, not only in preparing the Final Act, but also in connection with a number of other matters which it has carried through very zealously and very ably.

Delegates cannot be accused of not having been assiduous enough ; everyone has worked hard. Those, however, who have in addition served on special Committees, such as the Drafting Committee, deserve the particular thanks of the Conference.

M. Giannini (Italy), Chairman of the Central Drafting Committee :

Translation : My colleagues on the Drafting Committee asked me to preside over their meetings and, although I was very actively employed in the three Committees, I agreed

to do so because they made their request with such friendliness that I could not refuse. I made such heavy demands on my colleagues that I think it my duty — and it is also a pleasure — to thank them most warmly.

In the intervals of the meetings of Committees we worked on the preparation of the texts of the agreements and recommendations as well as these general and final clauses which were unanimously approved without discussion, and also on the definitive wording of the Final Act. We did not carry through our work without discussion. We even discussed with some vivacity. But we easily reached agreement and we have had the satisfaction of finding that our efforts have been approved by the Conference.

I desire to thank, not only my colleagues on the Central Drafting Committee, but also the members of the Drafting Committtee who assisted us in regard to questions concerning the two Committees and who prepared the texts of the reports.

I also desire to thank M. Politis, who is not with us at this meeting, and M. Alvarez and M. Cohn, who assisted us in our work on the general recommendations. I would, however, express my very special thanks to M. Pépin, our General Rapporteur, who exerted himself to the utmost to carry through all our work. The time passed so quickly that a special effort was needed to finish our work for the end of the Conference. I should like to say again that, if I have been able to preside over the discussions of the Central Drafting Committee, it was owing to the friendliness of my colleagues and the assiduous work of the Rapporteur. Lastly, I would thank the Secretary of the Drafting Committee.

The President :

Translation : If no other delegate desires to speak, I will put to the vote the Final Act of the Conference.

The Final Act was put to the vote and approved unanimously.

The Conference rose at 11.45 a.m.

NINTH PLENARY MEETING

Saturday, April 12th, 1930, at 4 p.m.

President : M. HEEMSKERK.

20. — SECOND REPORT OF THE COMMITTEE ON THE CREDENTIALS OF DELEGATES.

The President :

Translation : I shall first of all call on M. de Vianna Kelsch, who is to report on behalf of the Credentials Committee.

M. de Vianna Kelsch (Brazil), Rapporteur of the Credentials Committee :

Translation : The Committee appointed by the Conference to verify the powers of delegates examined the new documents communicated to it by the Secretariat since its meeting on March 14th.

It noted that the delegates of the following countries have produced full powers from their Head of State empowering them to sign the Acts of the Conference :

South Africa, Australia, Belgium, Colombia, Czechoslovakia, Finland, France, Greece, Irish Free State, Italy, Latvia, Luxemburg, Netherlands, Portugal, Spain, Yugoslavia.

The Brazilian Minister at The Hague, in a letter dated March 24th, 1930, stated that the Brazilian Government was conferring on its representative full powers to sign the Acts of the Conference and had intimated that it was sending the full powers.

The Director of the Chinese Permanent Office with the League of Nations stated, in a letter dated April 3rd, that the Minister for Foreign Affairs at Nanking had intimated to him that the Chinese representative has full powers to sign the agreements concluded by the Conference.

The delegate of Salvador has produced an autograph letter from his Head of State giving him full powers to represent Salvador at the Conference.

The Peruvian Minister for Foreign Affairs has cabled that the Peruvian delegates have received full powers.

The President :

Translation : I desire to thank M. de Vianna Kelsch for his report and the Committee for the trouble it has taken.

The report of the Committee on Credentials was noted.

21. — SIGNATURE OF THE ACTS OF THE CONFERENCE.

The President :

Translation : The Conference has now to sign the various Acts which it has prepared, that is to say :

(1) Convention on certain questions relating to the conflict of nationality laws ;

(2) Protocol relating to military obligations in certain cases of double nationality ;

(3) Protocol relating to a case of statelessness ;

(4) Special Protocol relating to statelessness ;

(5) Final Act of the Conference.

Before we sign, I should like on behalf of the Conference to thank M. Tercier, member of the Registry staff of the Permanent Court of International Justice and an expert in printing matters, who, although not a member of our Secretariat, has assisted us with the consent of the Registrar of the Court and given us valuable aid in connection with the printing of our documents. The Secretariat tells me that, had it not been for the assistance of M. Tercier — who has worked during a great part of each of the last three nights — it would have been absolutely impossible for the Conference to conclude its work to-day by signing the Acts in question.

We shall now proceed to sign the Acts of the Conference. I shall call upon the delegates to sign in the French alphabetical order.

(The delegates signed the Acts of the Conference).

The President :

Translation : The documents have been signed and we can now proceed to close the Conference.

22. — CLOSE OF THE CONFERENCE.

M. Nagaoka (Japan) :

Translation : Mr. President, Ladies and Gentlemen, for the past month we have discussed a great variety of questions with the utmost fullness, and after our exchanges of views, which have always been frank and sometimes delicate, we have reached the end of our proceedings.

As I am speaking on behalf of all the delegations who have asked me to undertake this duty, I need not say anything of the importance and thoroughness of our discussions, and the lofty sentiments by which they were inspired, helped as we were by the environment of this city where, for centuries past, the traditions of international law have been ardently and ably cultivated. Day by day we pursued our joint work for the advancement of international law. The records of our meetings are a magnificent record of what we have done and will certainly, at some future time, constitute one of the most important documents in the history of international law.

During the course of our frank discussions, from which all passion was excluded, we expressed our views openly and came to understand each other. Opinions were exchanged, and divergencies of view were partly removed.

If we look back on our work during the past month, I think we can say with legitimate pride that we have one and all worked in the service of the law, in a spirit of frankness, loyalty, justice and equity — in that spirit which must form the firm foundation of any fruitful international understanding.

The results of our Conference doubtless are not of that sensational character which strikes the imagination and lifts up the spirit. In certain spheres, the realisation of the hopes entertained when we began our discussions has been delayed ; but if we regard our work as a whole, real progress has been achieved, and I am convinced that this progress will continue and will follow the law of development which governs every living organism and which decrees that perfection is never attained at the first step.

We have marked out the road which States will tend more and more to follow and along which they will proceed to their future goal with a determination which will constantly become clearer and more resolute.

Our work has, in the main, been a first and very difficult step on the long road which leads to the accurate determination of the rights and duties of States in their mutual relations. That is why we must think rather of the spirit in which we carried out our work than of the actual results attained. This spirit was one of cordial co-operation and prudent conciliation. It is the duty of all of us to keep it alive and render it effective, and thus enable Governments to continue along the road for which we have here laid the first solid foundations.

Ladies and gentlemen, His Excellency M. Heemskerk, the distinguished statesman of the country which was the home of Grotius, gave us the benefit of his incomparable knowledge, his high authority and his firm courtesy in effectively organising our work and in wisely selecting the rules we had to follow.

It is not only a duty but a pleasure for me to express our deep gratitude to him and to the distinguished Vice-Presidents of the Conference, excluding, of course, myself.

I would also pay a sincere tribute to our eminent Chairmen and Vice-Chairmen of Committees, who guided our discussions with great depth of knowledge, absolute impartiality and perfect tact. Thanks to them, we have not only followed the most effective methods of work in our discussions, but we have always conducted our proceedings with perfect dignity and candour. Our warmest thanks are also due to our eminent Rapporteurs and to all the able members of the Drafting Committee, who have shown complete mastery of the various problems discussed, remarkable linguistic powers and a spirit of boundless self-sacrifice.

I should be failing in my duty if I did not also express my thanks to the Secretary-General and Assistant Secretary-General, and also to all the members of the Secretariat, who have carried out their heavy task with perfect success. I would also thank the interpreters, whose useful and difficult work we have all been able to appreciate, and all those who have contributed by their zeal to the successful working of this Conference.

I should also like to convey our very warm thanks for the friendly reception and perfect hospitality we have received in this beautiful country.

I gladly take the present opportunity of submitting to Her Majesty the Queen and the Royal Family our respectful wishes for their health and happiness and of expressing to the Netherlands Government our wishes for the prosperity and well-being of the people of the Netherlands.

We would also thank the Municipality of The Hague and M. Patijn, the Burgomaster, who by numberless delicate marks of attention has made our stay here pleasant and agreeable.

I have the honour to propose that the Conference should, before closing its work, send the following telegram to Her Majesty the Queen of the Netherlands :

> " The delegates of the Powers assembled at the First Conference for the Progressive Codification of International Law request Your Majesty, at the moment when they are separating on the completion of their work, to accept the respectful expression of their gratitude for the warm interest which Your Majesty has taken in their work and for the gracious hospitality shown them in the royal residence of The Hague, that time-honoured centre of the development of international law. They beg Your Majesty to be graciously pleased to allow them again to benefit by this hospitality at future conferences. They express their most sincere wishes for the happiness and prosperity of Your Majesty and the Royal Family."

Allow me to say on closing that this Conference has been able to prepare a single Convention only, the Convention relating to nationality, and that that instrument does not perhaps appear to be equally satisfactory to all the countries represented here. In regard to the two other subjects — the territorial sea and the international responsibility of States — we have not yet been able to draw up a convention. All the questions connected therewith have had to be held over for a future conference. We must not allow ourselves to be discouraged by this fact, seeing that so difficult and vast an undertaking as ours can only be fully accomplished after a certain lapse of time and as a result of patient and uninterrupted effort.

Past experience and the irrefutable evidence of history go to support this view, as was very truly pointed out this morning by M. François, the distinguished Rapporteur of the Second Committee. I myself was present in this very Ridderzaal in 1907 at the Second Peace Conference, and I was a witness of all the difficulties encountered in setting up a Court of Arbitral Justice.

After the lapse of fourteen years, the world-wide organisation of the League of Nations successfully overcame the obstacles encountered in the past and instituted the Permanent Court of International Justice, which is to-day a living and beneficent reality. I am therefore neither surprised nor discouraged by our present difficulties. On the contrary, I would express my firm and profound conviction that the problems which have not been settled at this Conference will be solved in the future in the manner that we all desire.

The President :

Translation : If no delegate has any observations to make, the telegram which M. Nagaoka has just communicated to you will be sent in the form in which he read it.

Agreed.

The President :

Translation : Ladies and gentlemen — We have come to the end of our work. The Final Act of the Conference has been signed, and also the Convention, with the annexed Protocols and Recommendations proposed by the First Committee.

You expect from your President a short closing speech. It will not be a song of triumph ; neither will it be a cry of distress.

You have dealt with three extremely delicate and complicated subjects. Perhaps that was too much to attempt at once. Nevertheless, we have obtained one definite result : I refer to the Convention and Protocols on Nationality which, though not complete — as M. Guerrero, the Rapporteur, very rightly pointed out — nevertheless provide certain important solutions and bear within themselves the seed of fruit that will be gathered in the future. Nor must we forget that the new ground covered by this Convention includes international jurisdiction. Although part of the subject — the nationality of the married woman — has given rise to some feeling, not indeed in the Committee or the Conference but outside, yet I venture to say that the texts adopted by the Committee were inevitable — were, according to all experience of international negotiations, the only ones which could have been expected.

As regards territorial waters and the international responsibility of States in regard to foreigners, the Second and Third Committees have not succeeded in producing conventions.

Nevertheless, is the result of that work entirely negative ? No. First of all, the time allowed us was short. The Second Committee, however, agreed on several rules concerning the status of the territorial sea. It was in regard to the breadth of the territorial sea that difficulties were encountered, and the Committee thought that, at least for the present, the status of the territorial

sea could not be regulated independently, and the question of its breadth disregarded. The real difficulties of the subject were, however, ascertained, and the members of the Committee came to understand each other's points of view and to see clearly the obstacles which will have to be overcome. One of the conclusions in the Second Committee's report is the recommendation, which you have endorsed, that the Council of the League of Nations should continue the study of the subject, taking as the starting-point the existing situation.

The Third Committee submitted to you a statement which, at first sight, may seem to be entirely negative in character. It had not time to finish its work and has not put forward, like the Second Committee, a group of articles which could form the subject of a convention. Rules cannot be laid down merely for a part of the question of the responsibility of States for damage caused to foreigners. The subject must be treated as a whole and in detail. The proposals made must contain the principles which have to be followed and also provide for a jurisdiction which will ensure continuity of interpretation and, consequently, of practice.

This question must be dealt with in all its aspects. As this was found to be impossible, it might appear that nothing whatever has been done. But that, I think, is not the case. In the Committee, considerable differences of view arose. No formula which would reconcile these differences was discovered, but that does not mean that such a formula can never be found. Here again we must note that, although we have not arrived at agreement, we have succeeded in understanding each other better. This furnishes a point of departure and in course of time changes may occur, solutions may be found, or new conceptions may arise, which can eventually bring us closer together.

I should like now to make a few general remarks.

Yesterday, you saw that various members of the Conference were anxious to make it clear that no blame was attributable to the Committee of Experts and the Preparatory Committee which carried through the preliminary work for this Conference. Any such blame would be entirely underserved. These two Committees consisted of eminent jurists who accomplished work of great value. Their reports, and the Brown Books, are highly instructive. But the printed word is not always able to withstand the shock of real life. We can draw a vast erudition from books. But it is only when we are in each other's presence, when we are able to speak directly to each other, that we fully realise the true import of the questions with which we are dealing, and that we see and feel both the differences that separate us and the points on which we are in agreement.

We have worked together for some weeks; we have got to know each other; but our work is not complete. It is now the hour to depart and we must finish. It is a strange irony of fate, for it would really seem to be the hour when we should begin. We are halting for a moment, but the task must be resumed.

We intend to begin again. But since an international conference is a great undertaking, we shall have to wait for some years. In the interval, many changes may occur. Some of us will have gone and others will have taken our place. We hope, however, that the many changes that must occur will be for the good of our work.

Another consideration which presents itself is this: in any legal question there are, on the one hand, material factors which must be ascertained and taken into account, but, on the other, there is also a spiritual element. Underlying every conception of law there is — and it is stronger than any code of law — the human soul, or rather the soul of the people; for no one who knows the inner reality of international negotiations can harbour the delusion that humanity is not divided into a number of nations. Yet, though each retains its own particular character, those nations are not antagonistic to each other, but must come to understand each other and work harmoniously together.

Every State is sovereign. If it is asked to accede to a convention, its sovereignty is thereby recognised, and the codification of international law consists in establishing that law by conventions. Does that mean that the source of law lies in the will of the State? I venture to say that it does not, and to add that such a policy might lead to hardened conservatism inspired by mere scepticism. The will of the State must realise the law coming from a higher and loftier source, and must submit to it. That is the key which opens the door to the hall of conciliation where conventions are signed, and the souls of the peoples must support their Governments in putting this principle into practice.

The whole world felt the misery produced by the world war and is yearning for peace and for the extension of the realm of law. Internationalism is developing widely, but nationalism is also making itself felt with the same intensity. A war always produces great demoralisation, and even degeneration. What must be done to meet this evil? Regeneration by faith, justice and love of our neighbour. At the Peace Palace we are reminded of this by the picture of the Christ of the Andes. The whole world, every continent, must co-operate in this spirit. If we take this for our inspiration, we shall be immune from a pessimism which leads to despair, but we shall also be saved from an optimism which ends in disillusionment, and we shall realise what is actually happening at the present time.

You have worked for four weeks with unflagging zeal, with great ability and with a goodwill and mutual courtesy which will, I am sure, leave a pleasant and abiding memory with us all.

My task as your President has been a very light one. The work has been done in the Committees, whose Chairmen and Rapporteurs have shown most conspicuous ability, and the President of the Conference, I ought perhaps to say, has not influenced the votes taken by the Committees, although I have followed all that has taken place in the Committees in order to remain in touch with the Bureau and the Secretariat.

The Secretariat and its officials have done an immense amount of work with most admirable zeal and ability. If there are people — and there are still such — who have no high opinion of the League of Nations, one might wish that they could see, as I have seen, the wealth of experience and wisdom, not merely technical but — necessarily — political, which the Secretariat possesses. I desire to pay my tribute to it and I shall retain an abiding memory of it.

We are about to disperse and to bid each other farewell. I could wish it were "*au revoir*", but, at my age, such words are perhaps overbold. If I may be allowed a personal note, I should like to say that it has been a privilege for me to be associated with representatives of so many countries, distinguished jurists and diplomatists eminent representatives of their countries. It has been a most agreeable experience; you have all evinced such goodwill that it will remain with me as an ineffaceable memory.

I express my best wishes for the next conference.

I now declare that the First Conference for the Codification of International Law is closed.

The Conference rose at 6.30 p.m.

ANNEXES.

ANNEX 1.

RULES OF PROCEDURE

TEXT ADOPTED BY THE CONFERENCE.

Note. — The text reproduced below is the text in its final form as adopted by the Conference. The footnotes show how the text as finally adopted by the Conference differs from that drawn up by the Preparatory Committee of the Conference and transmitted to the Governments by the Council of the League of Nations. The proposals drawn up by the Drafting Committee, at the request of the Bureau, are to be found in Annex 2.

I.

The First Conference for the Codification of International Law shall comprise the plenipotentiaries and technical delegates of Members of the League of Nations and of the non-Member States which have been invited by the Council of the League of Nations to send representatives.

There shall be a President and a Secretary-General of the Conference.

II.

On the opening of the Conference, the credentials of the plenipotentiaries shall be presented to the Secretariat, together with a list of the technical delegates.

III.

A committee of five members, appointed by the Conference on the proposal of the President, shall be entrusted with the duty of examining credentials, and shall report immediately to the Conference. Any plenipotentiary to whose admission objection has been made shall sit provisionally with the same rights as other plenipotentiaries, unless the Conference decides otherwise.

IV.

Priority as between delegations shall be determined according to the French alphabetical order.

V.

The Bureau of the Conference shall consist of the President, three Vice-Presidents elected by the Conference, the Chairmen elected by the three Committees mentioned in Article VI, the Secretary-General of the Conference and a Deputy-Secretary-General, who will be elected by the Conference.

VI.

Three Committees shall be set up, namely: (1) Committee on Nationality; (2) Committee on Territorial Waters; (3) Committee on the Responsibility of States for Damage suffered by Foreigners.

As soon as possible after the opening of the Conference, the head of each delegation shall designate for each Committee the member of his delegation empowered to represent the latter thereon. This member may be replaced by another member of the delegation. Except in such a case, members of the Conference present at meetings of Committees of which they are not members may not take part in the proceedings save by authorisation of the Chairman of the Committee. Nevertheless, the head of each delegation may, should he think fit, take part in the proceedings of any Committee.

As a general rule, the three Committees will work simultaneously.

VII.

Each Committee shall appoint its Chairman and one Vice-Chairman; it shall also appoint, at such time as it thinks fit, a rapporteur or rapporteurs.

VIII.

Each Committee shall have the power to form sub-committees and to constitute from among the members of the delegations special committees for the examination of particular questions. The sub-committee or the special committee shall appoint its chairman and, if necessary, a rapporteur, and shall report to the full Committee.

IX.

A Drafting Committee, composed of six[1] members, shall be entrusted with the co-ordination of the acts adopted by the Conference. It shall be appointed by the Conference on the proposal of the Bureau ; its members shall be selected from among the plenipotentiaries or technical delegates. A delegate of each Committee shall be attached to the Drafting Committee for the examination of the acts prepared by the said Committee.

On the report of the Drafting Committee, the acts of the Conference shall be adopted by the latter in their final form.

It shall be left to each Committee to determine whether it is necessary for it to set up a special drafting committee.

X.

The public shall be admitted to the plenary meetings of the Conference ; the Secretary-General shall be reponsible for the issue of tickets for this purpose, in conformity with the President's instructions.

The Bureau may, however, decide that particular meetings shall be private.

Meetings of the Committees shall be private unless in any particular case the Committee shall decide otherwise.[2]

In the case of meetings not open to the public, the publicity of the work of the Conference and its Committees shall be ensured by means of official *communiqués* prepared by the Secretary-General and signed by the President of the Conference or the Chairman of the Committee, as the case may be.

XI.

The Secretary-General shall be responsible for the French and English texts of the Minutes of the Conference. For meetings of the Committees, only summary reports shall, as a general rule,[3] be drawn up. In the case of the sub-committees and special committees of examination, a record shall be kept only of the conclusions reached by them.

The Minutes shall be distributed in provisional form to the delegations with the least possible delay. If no corrections are asked for within forty-eight hours, the text shall be regarded as approved and shall be deposited in the archives. If corrections are asked for, the Secretary-General shall be responsible for purely formal changes ; for others, he shall refer to the President, who shall, if necessary, lay the matter before the Conference or the Committee concerned.

The Minutes of meetings of Committees shall not be published until after the close of the Conference ; the latter may, as an exceptional measure and more particularly when the proceedings in regard to certain questions have not resulted in an agreement, decide to defer the publication of those Minutes.

XII.

The Secretary-General shall be responsible for the translation into French or English of opinions expressed and of documents, proposals and reports submitted in either of those languages. Any delegate employing another language must himself be responsible for a translation into French or English.

XIII.

The Bureau shall consider the order of the work of the Conference and shall submit to the latter proposals on the subject. It shall be responsible for co-ordinating the work of the different Committees.

XIV.

The President of the Conference and, in the case of each Committee, the Chairman of that Committee, shall direct the proceedings in accordance with the provisions laid down in the Rules of Procedure of the Assembly of the League of Nations, unless otherwise provided in the present Rules.

XV.

Any act intended to form part of the work of the Conference shall first be prepared and voted upon by the competent Committee, and shall then, after adoption by the latter, be submitted to the Conference for approval.

XVI.

In each Committee, the debate shall be opened on the text of the Bases of Discussion prepared by the Preparatory Committee for the Codification Conference.

Any member of the Committee may present amendments and proposals coming within the scope of the Bases of Discussion and of the Observations submitted to the Committee. Proposals outside this scope shall only be discussed if the Committee so decides.

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[1] In the original text " five ".

[2] The words : " unless in any particular case the Committee shall decide otherwise " were added by the Conference.

[3] The words : " as a general rule " were added by the Conference.

XVII.

All amendments and proposals must be submitted in writing to the President, who shall cause them to be circulated.

As a general rule, no draft shall be discussed unless it has been circulated to delegations on the day preceding the meeting. The President, however, may permit immediate discussion.

XVIII.

Within the Committees, each provision shall be voted upon separately. The vote shall only be valid if the proposal is supported by a majority of the delegations present at the meeting.

If, however, a majority of the delegations represented on the Committee was not present when the vote was taken, a new vote shall be taken should this be asked for by ten delegations.

XIX.

If the Chairman of a Committee considers that modifications of certain provisions adopted by that Committee are likely to facilitate a unanimous agreement, he may request the Committee to discuss such modifications.

XX. [1]

Each Committee may draw up one or more draft conventions or protocols and may formulate recommendations or *vœux*.

A Committee may embody in the draft conventions or protocols any provisions which have been finally voted by a majority containing at least two-thirds of the delegations present at the meeting at which the vote takes place.

In the case of provisions which have secured only a simple majority, a Committee, at the request of at least five delegations, may decide by a simple majority whether such provisions are to be made the object of a special protocol open for signature or accession.

The provisions referred to in the two preceding paragraphs, if they are not embodied in a draft convention or protocol, shall be inserted in the Final Act of the Conference.

Each convention or protocol shall contain a provision expressly showing whether reservations are permitted, and, if so, what are the articles in regard to which reservations may be made.

Recommendations and *vœux* may be adopted by a simple majority.

XXI. [2]

Each Committee shall forward to the Conference the results of its work, accompanied by a report in which special mention shall be made of those provisions which have been unanimously adopted. The report shall further indicate the points on the Committee's agenda which it has not discussed, and, in general, every question which the Committee considers it desirable to bring to the attention of the Governments.

XXII.

The Conference shall pronounce upon proposals submitted to it by the Committees.

XXIII. [3]

The draft conventions and protocols, recommendations and *vœux* presented by the Committees may be adopted by the Conference by the vote of the simple majority of the delegations present at the meeting at which the vote takes place.

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[1] Original text :

" If the Committee cannot reach unanimous agreement on all points, it shall incorporate the provisions upon which it has unanimously agreed in a special instrument.

" The Committee shall also formulate the provisions which have obtained the assent of the majority of the delegations.

" It may also establish the terms of a Declaration setting forth the principles regarded at least by a majority of the delegations represented on the Committee as the expression of existing international law."

[2] Original text :

" Each Committee shall forward to the Conference the results of its work, backed by a report. In particular, it shall state whether it regards certain drafts as final or whether it recommends that certain questions or drafts should be submitted for fresh examination by Governments."

[3] Original text :

" In so far as the Conference arrives at a unanimous agreement, the act embodying such agreement shall be signed by all the delegations subject to ratification ; it shall be open for the accession of any State.

" Reservations to the unanimous act may be made by individual signatories. Such reservations may either imply the exclusion of a particular article or may consist of a declaration that the provisions of the act are insufficient, but they may not relate to any other point, for example, the interpretation of the act. The said act shall indicate the extent to which reservations may accompany accession. It shall also specify the period of its validity and, if necessary, the method of revision."

XXIV.[1]

The Final Act of the Conference shall contain :

(a) A statement of the conventions and protocols opened for signature or accession ;

(b) The provisions referred to in the fourth paragraph of Article XX above which have not been embodied in such conventions or protocols ;

(c) Recommendations and *vœux* which are adopted.

XXV.[2]

(Deleted.)

ANNEX 2.

ARTICLES XX, XXI, XXIII, XXIV AND XXV OF THE RULES OF PROCEDURE.

PROPOSALS DRAWN UP BY THE DRAFTING COMMITTEE, AT THE REQUEST OF THE BUREAU, AND SUBMITTED FOR CONSIDERATION TO THE CONFERENCE.

Rapporteur : M. PÉPIN (France).

The Drafting Committee, under the Chairmanship of M. Giannini, has examined, at the request of the Bureau, the articles of the Rules of Procedure which were reserved, viz., Articles XX, XXI, XXIII, XXIV and XXV.

It has also considered various proposals which have been made in regard to the articles in question by a number of delegations and which were put before the Committee by M. Alvarez.

The Committee successively examined the following points :

I. The form to be given to the results of the work of the Conference ;

II. The preparation and voting of the documents embodying that work ;

III. The possibility of reservations.

I.

The Drafting Committee, in agreement with the Bureau of the Conference, felt, in the first place, that it would not be proper to give to any of the documents embodying the results of the Conference the form of " Declarations ", such as are contemplated by Article XX (paragraph 3) and Article XXV of the Rules of Procedure. These provisions should, therefore, be suppressed.

The Committee proceeded to provide for :

(a) Conventions or protocols which will be open for signature or accession after the close of the Conference ;

(b) A Final Act containing, in addition to a summary of the work of the Conference and an enumeration of the conventions or protocols above mentioned, the text of other provisions, recommendations or *vœux*, which are adopted by the Conference.

II.

The Committee next sought to discover the best procedure for the preparation of the various instruments in question and considered more particularly the method of voting to be adopted at the various stages in the preparation of these instruments.

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[1] Original text :

" In the absence of or in addition to a unanimous agreement, conventions may be signed, as acts of the Conference, provided that the object of the convention comes within the competence of the Conference and provided they are finally adopted by a vote of the majority of the Members of the League of Nations and non-Member States represented on the Committee in which the draft was prepared. Each of these conventions shall be open to accession by any State ; the period of validity and, if necessary, the method of revision shall be specified in the convention."

[2] Text of deleted article :

" Declarations by which the signatory Governments will recognise certain principles as being sanctioned by existing international law may also be signed as acts of the Conference, provided the said Declarations have been finally adopted by a vote of a majority of the Members of the League of Nations and non-Member States represented on the Committee in which the draft was prepared. These Declarations, which shall be subject to ratification, shall be open for accession ; they shall not specify any period of validity or contain any denunciation clause, and they shall lapse if the rules which they enunciate cease to form part of international law."

The Committee has provided that the majority required shall be different as regards voting in the Committees and voting in the plenary session of the Conference :

Two-thirds of the delegations represented when a vote is taken in the Committee must pronounce in favour of the adoption of a provision in order to enable this provision to be inserted in the conventions or protocols.

A simple majority will suffice for approval by the Conference, in plenary session, of the whole text of each draft convention or protocol.

Should, nevertheless, certain delegations in a Committee feel it desirable to embody in a special protocol provisions which have only obtained a simple majority, the Committee may decide in favour of this course, at the request of at least five delegations and by a two-thirds majority.

All provisions adopted by a Committee which do not find their place in one of the instruments mentioned above (conventions or protocols) will naturally be inserted in the Final Act.

A simple majority will be sufficient for the adoption of *vœux* and recommendations.

Without wishing to draw up a formal plan for the highly qualified Rapporteurs of the Committees, the Drafting Committee has thought it well to ask them to indicate clearly in their reports, firstly, what provisions were unanimously adopted, and, secondly, the points on the agenda of the Committees which the latter have not discussed, as well as all the questions which the Committees may feel it desirable to bring to the attention of the Governments.

III.

In view of the differences between the subjects referred to the consideration of the Committees, it is impossible to provide for a general rule and decide, either that there shall be no reservations, or that reservations can be allowed in respect of every article. The possibility of allowing reservations must necessarily be different according to the content of each article.

Accordingly, the Drafting Committee has felt it desirable to leave it to each Committee to decide whether reservations are in general allowable, and, if so, what are the articles in respect of which reservations may be made. A provision in each convention or protocol is to lay down express rules on this matter.

A new draft of Articles XX, XXI, XXIII and XXIV of the Rules of Procedure is accordingly proposed for adoption by the Conference.

Proposals of the Drafting Committee.

Article XX.

Each Committee may draw up one or more draft conventions or protocols and may formulate recommendations or *vœux*.

A Committee may embody in the draft conventions or protocols any provisions which have been finally voted by a majority containing at least two-thirds of the delegations present at the meeting at which the vote takes place.

In the case of provisions which have secured only a simple majority, a Committee, at the request of at least five delegations, may decide by a two-thirds majority whether such provisions are to be made the object of a special protocol open for signature or accession.

The provisions referred to in the two preceding paragraphs, if they are not embodied in a draft convention or protocol, shall be inserted in the Final Act of the Conference.

Each convention or protocol shall contain a provision expressly showing whether reservations are permitted, and, if so, what are the articles in regard to which reservations may be made.

Recommendations and *vœux* may be adopted by a simple majority.

Article XXI.

Each Committee shall forward to the Conference the results of its work, accompanied by a report in which special mention shall be made of those provisions which have been unanimously adopted. The report shall further indicate the points on the Committee's agenda which it has not discussed, and, in general, every question which the Committee considers it desirable to bring to the attention of the Governments.

Article XXIII.

The draft conventions and protocols, recommendations and *vœux* presented by the Committees may be adopted by the Conference by the vote of the simple majority of the delegations present at the meeting at which the vote takes place.

Article XXIV.

The Final Act of the Conference shall contain :

(a) A statement of the conventions and protocols opened for signature or accession ;

(b) The provisions referred to in the fourth paragraph of Article XX above which have not been embodied in such conventions or protocols ;

(c) Recommendations and *vœux* which are adopted.

Article XXV.

(To be deleted.)

Appendix.

PRESENT TEXT OF ARTICLES XX TO XXV OF THE RULES OF PROCEDURE.

XX.

If the Committee cannot reach unanimous agreement on all points, it shall incorporate the provisions upon which it has unanimously agreed in a special instrument.

The Committee shall also formulate the provisions which have obtained the assent of the majority of the delegations.

It may also establish the terms of a declaration setting forth the principles regarded at least by a majority of the delegations represented on the Committee as the expression of existing international law.

XXI.

Each Committee shall forward to the Conference the results of its work, backed by a report. In particular, it shall state whether it regards certain drafts as final or whether it recommends that certain questions or drafts should be submitted for fresh examination by Governments.

XXII (already adopted by the Conference).

The Conference shall pronounce upon proposals submitted to it by the Committees.

XXIII.

In so far as the Conference arrives at a unanimous agreement, the act embodying such agreement shall be signed by all the delegations, subject to ratification ; it shall be open for the accession of any State.

Reservations to the unanimous act may be made by individual signatories. Such reservations may either imply the exclusion of a particular article or may consist of a declaration that the provisions of the act are insufficient, but they may not relate to any other point — for example, the interpretation of the act. The said act shall indicate the extent to which reservations may accompany accession. It shall also specify the period of its validity and, if necessary, the method of revision.

XXIV.

In the absence of or in addition to a unanimous agreement, conventions may be signed, as acts of the Conference, provided that the object of the convention comes within the competence of the Conference and provided they are finally adopted by a vote of the majority of the Members of the League of Nations and non-Member States represented on the Committee in which the draft was prepared. Each of these conventions shall be open to accession by any State ; the period of validity and, if necessary, the method of revision shall be specified in the convention.

XXV.

Declarations by which the signatory Governments will recognise certain principles as being sanctioned by existing international law may also be signed as acts of the Conference, provided the said declarations have been finally adopted by a vote of a majority of the Members of the League of Nations and non-Member States represented on the Committee in which the draft was prepared. These declarations, which shall be subject to ratification, shall be open for accession ; they shall not specify any period of validity or contain any denunciation clause, and they shall lapse if the rules which they enunciate cease to form part of international law.

ANNEX 3.

CONVENTION AND PROTOCOLS CONCERNING NATIONALITY.

REPORT OF THE DRAFTING COMMITTEE.

Rapporteur : M. PÉPIN (France).

The Drafting Committee of the Conference, with the collaboration of M. Politis, Chairman of the Committee on Nationality ; Mr. Dowson and M. de Navailles, members of the Drafting Committee of that Committee ; and M. Alvarez, has revised the provisions adopted by the Committee from the point of view of co-ordination and from that of the concordance between the French and English texts.

Four different instruments have been framed, namely :

A Convention on certain questions relating to the conflict of nationality laws ;
A Protocol relating to military obligations in certain cases of double nationality ;
A Protocol relating to a case of statelessness ;
A special Protocol concerning statelessness.

The Drafting Committee has given special attention to the general and final clauses and, in revising these clauses, has taken account of the observations which were made in the Committee.

The clauses in question, which have been inserted in each of the above-mentioned instruments, do not require any explanation — for example, as regards the possibility of signing them during a certain period, accession, ratification and entry into force.

Certain special points seem, however, to require mention :

With regard to the treaties, conventions or agreements in force between the parties to the Acts adopted by the Conference, it is fully understood that nothing in the instruments in question affects any treaties, conventions or agreements in force between the parties to these instruments. In the Committee on Nationality, however, some concern was expressed as to how far it would be possible for two States to conclude between themselves special agreements which were not entirely in accordance with the principles contained in the instruments adopted by the Conference. Doubtless nothing prevents the conclusion of such agreements, provided they affect only the relations between the States parties thereto ; but it did not appear desirable at the moment when the Contracting Parties were, by signing the instruments adopted by the Conference, about to undertake to apply in their mutual relations the principles and rules contained therein, that provision should be made for the possibility even within these limits of their avoiding this undertaking. On the contrary, a *vœu* will be submitted to the Conference by the Drafting Committee, recommending to States that, when they find it necessary to conclude special agreements upon questions concerning nationality, they should conform, as far as possible, to the provisions of the convention and protocols which have now been adopted.

In the drafting of the so-called colonial clause, account has been taken of the desire of the Netherlands delegation to see this clause extended to certain populations in colonies, protectorates or other territories, and moreover to allow States the possibility of making reservations as regards such colonies, protectorates or territories.

The article relating to the revision of the Convention and the Protocols was supplemented, as had been agreed in the Nationality Committee, so as to provide for what is to happen to these instruments when a revised convention or protocol enters into force. It was thought better to allow the revised instruments to lay down themselves the rules most suitable for determining, whether, upon the entry into force of the new instruments, some or all of the provisions of the old instruments should be abrogated in respect of the parties to the latter.

In order to facilitate this first attempt at codification, the Drafting Committee considered, further, that the instruments drawn up might be denounced at any time after the entry into force of each of them, without making this right of denunciation subject to any time-limit.

Finally, the Drafting Committee thought it ought to point out that accessions which will be counted for the entry into force of a Convention or a Protocol should be accessions deposited without any reservation as to ratification.

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ANNEX 4.

REPORT OF THE FIRST COMMITTEE: NATIONALITY.

Rapporteur: His Excellency M. J. Gustavo GUERRERO.

The First Committee of the Conference for the Progressive Codification of International Law began its proceedings by completing its Bureau. For this purpose it appointed M. Chao-Chu Wu (China) its Vice-Chairman, MM. Schwagula (Austria), Dowson (British Empire) and de Navailles (France) its Drafting Committee, and M. J. G. Guerrero its Rapporteur. It examined the problem of nationality, discussing the various points as far as possible in the order indicated in the Bases laid down by the Preparatory Committee.

From the outset of its work the Committee realised that nationality is one of the most delicate and difficult matters to regulate, since, although it is primarily a matter for the municipal law of each State, it is nevertheless governed to a large extent by principles of international law. As M. Politis, the Chairman, reminded the Committee at the opening of its proceedings, the difficulty—indeed the impossibility—of settling this matter is due to the fact that nationality is essentially a political problem which affects the life of the State throughout the course of its development. The very formation of the State requires a population which will ensure its preservation and continuity. This necessity gives rise to a clash between the conceptions on which the municipal law of the various countries is based.

The Committee thus realised the impossibility of reconciling now, by setting up rules which would be in the nature of a compromise, the vital interests of emigration and immigration States.

Having thus admitted the autonomy of the State in determining matters connected with its nationality, the Committee also unanimously recognised the need to proceed with the utmost caution when examining the conflicts which arise in practice through the diversity of, and divergencies between, the various systems of municipal law.

Thus, the Committee began its work in full consciousness of the difficulties attending the international regulation of nationality. It did not attempt to bring about complete uniformity in the laws governing the question, or to remove all difficulties attendant upon double nationality, or entirely to eliminate statelessness. The results of its work may accordingly appear limited and unambitious. They will nevertheless provide a clear indication of the existing tendency to modify as far as possible certain principles which are still in force.

The texts adopted by the Committee include:

(1) a Convention on certain questions relating to conflict of nationality laws, adopted unanimously, 35 delegations voting;

(2) two Protocols adopted by a majority of more than two-thirds of the delegations present: one on the question of the military service of persons having two or more nationalities; the other on the nationality of children whose fathers have no nationality or are of unknown nationality;

(3) a special Protocol, adopted by a simple majority, on the relations of stateless persons with the State whose nationality they last possessed;

(4) a number of *vœux* and recommendations to be inserted in the Final Act of the Conference.

* * *

BASIS No. 1.

First of all, the Committee examined the first Basis proposed by the Preparatory Committee of the Conference, which lays down certain general principles in connection with nationality: on the one hand, the principle of the sovereignty of the State which determines, by its laws, who are its nationals; on the other, the necessity for these laws to take into account the principles generally recognised by States.

The Preparatory Committee had, moreover, prepared a text containing a schedule—which did not purport to be exhaustive—of these generally recognised principles.

During the discussion of this Basis several currents of opinion became manifest, either in the amendments submitted, or the explanations given by the Delegations. The most radical proposal was to omit this Basis altogether, not because the State's right to legislate was contested, but because a special provision to this effect was thought to be unnecessary. The suggestion was also made that if this Basis were omitted, its essential features should be embodied in the Preamble to the Convention.

Another suggestion was that the general principles circumscribing legislative freedom which ought to be taken into account by the various States should be defined in greater detail.

There were, however, contrary proposals in favour of avoiding any indication that any such general principles might exist outside the conventional provisions freely accepted by States.

The Committee felt itself unable to accept any of these suggestions. It asserted the general principle that each State has exclusive competence to determine under its laws who are its nationals, and that these laws should be recognised by other States provided they are in accordance with international conventions, international custom, and the generally recognised principles of law in connection with nationality.

Basis No. 1 had become Articles 1 and 2 of the Convention.
Article 1, which was adopted by 38 votes to 2, is worded as follows:

Article 1.

It is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality.

Article 2, which was adopted by 41 votes to 1, has been worded as follows:

Article 2.

Any question as to whether a person possesses the nationality of a particular State shall be determined in accordance with the law of that State.

Basis No. 2.

The text proposed as Basis of discussion by the Preparatory Committee laid down that, if a person after entering a foreign country lost his nationality without acquiring another nationality, the State whose national he had been remained bound to admit him to its territory at the request of the State where he had been residing.

The discussion on this question showed that the Committee was divided into two almost equal groups. Some delegations were in favour of maintaining this Basis, while an almost equal number was in favour of its omission.

The latter argued that the question, as enunciated by the Preparatory Committee, was of a political nature transcending the limits of nationality questions and becoming a matter of international police. Various delegations added that if a provision of this kind were adopted, it would be the first time that an international convention had interfered with the freedom of States to admit or refuse to admit foreigners into their territory.

An attempt was made to reach an agreement on a formula which would enable an indigent and stateless foreigner, and also a stateless foreigner sentenced to not less than one month's imprisonment, to be sent back to his country of origin.

The Committee adopted by a simple majority the text thus submitted to it. It forms the subject of a special Protocol, which reads as follows:

If a person, after entering a foreign country, loses his nationality without acquiring another nationality, the State whose nationality he last possessed is bound to admit him, at the request of the State in whose territory he is:

(i) *if he is permanently indigent either as a result of an incurable disease or for any other reason; or*

(ii) *if he has been sentenced, in the State where he is, to not less than one month's imprisonment and has either served his sentence or obtained total or partial remission thereof.*

In the first case the State whose nationality such person last possessed may refuse to receive him, if it undertakes to meet the cost of relief in the country where he is as from the thirtieth day from the date on which the request was made. In the second case the cost of sending him back shall be borne by the country making the request.

The Committee also unanimously adopted a recommendation proposed by the Swiss Delegation concerning the settlement of statelessness in general.

This recommendation, intended for insertion in the Final Act of the Conference, is worded as follows:

I. The Conference is unanimously of the opinion that it is very desirable

that States should, in the exercise of their power of regulating questions of nationality, make every effort to reduce so far as possible cases of statelessness,

and that the League of Nations should continue the work it has already undertaken for the purpose of arriving at an international settlement of this important matter.

Another *vœu*, proposed by the Chinese Delegation, was adopted by a majority. It reads as follows:

II. The Conference recommends States to examine whether it would be desirable that, in cases where a person loses his nationality without acquiring another nationality, the State whose nationality he last possessed should be bound to admit him to its territory, at the request of the country where he is, under conditions different from those set out in the Special Protocol relating to statelessness, which has been adopted by the Conference.

BASIS No. 3.

The Preparatory Committee had proposed, as Basis of discussion, that a person having two nationalities might be considered as its national by each of the two States whose nationality he possessed.

This text gave rise to two observations which have been taken into account in the text finally adopted by the Committee.

In the first place, several delegations observed that provision had to be made, not merely for cases of double, but also multiple, nationality.

It was also pointed out that as one of the objects of the Convention in which this provision was to be inserted was to remedy as far as possible the inconvenience caused by double or multiple nationality, the text adopted should contain an express reservation in favour of the other provisions relating to this question.

The Committee, therefore, adopted by 40 votes to 1 the text proposed by the Drafting Committee, which thus became Article 3 of the Convention. This Article is worded as follows :

Article 3.

Subject to the provisions of the present Convention, a person having two or more nationalities may be regarded as its national by each of the States whose nationality he possesses.

BASIS No. 4.

The Committee examined the following text proposed by the Preparatory Committee : "A State may not afford diplomatic protection to one of its nationals against a State whose nationality such person also possesses." The Preparatory Committee had also proposed as an alternative to be added to the above text : ".... if he is habitually resident in the latter State".

The Chinese Delegation asked for the omission of this Basis on grounds of principle. Other delegations also held that this Basis should be omitted, because they thought it went beyond the scope of a nationality convention. Other delegations formulated reservations ; these would have preferred a specification to the effect that diplomatic protection might still be granted, on humanitarian grounds, in special cases. The majority of the Committee, nevertheless, pronounced in favour of the text without the alternative proposed by the Preparatory Committee.

A proposal was made to add a new paragraph to Basis No. 4. According to this proposal, a person possessing two or more nationalities could not put forward the fact that he was a national of one of the States whose nationality he possessed in order to bring, before an international tribunal or commission, a personal action against another State of which he was also a national.

The Committee has not embodied this proposal in the Convention, since it deals with a case that is so rare as to be of little interest at present to the majority of States

The text, adopted by 29 votes to 5, becomes Article 4 of the Convention and is worded as follows :

Article 4.

A State may not afford diplomatic protection to one of its nationals against a State whose nationality such person also possesses.

BASIS No. 5.

In connection with this Basis, a preliminary question arose regarding the preference which might be given, within a third State, to one of the nationalities possessed by a person who is a national of two or more States. Was it desirable or not to make a distinction, as was done in the text proposed by the Preparatory Committee, according to whether the question was regarded from the point of view of the personal status of the individual or from the other points of view ?

Some delegations were in favour of doing away with this distinction, while others asked that the application of the rules of law followed by the third State in regard to personal status should be expressly reserved. A number of delegations further observed that the present Conference should avoid taking up questions, such as that of personal status, which come within the scope of private international law, and some of which are dealt with in the Hague Conventions on Private International Law. The Committee eventually adopted this view, and reserved both the conventions in force and the rules of law followed in the third State in the matter of personal status.

Another question was what criterion should be adopted to determine in a third State the nationality of a person possessing two or more nationalities. The idea set forth in the Basis of allowing the person concerned to put forward, under certain conditions, the nationality of his choice was rejected by the majority of the Committee.

The text finally adopted is governed by the idea that a person possessing more than one nationality must be treated in a third State as if he had only one. In order to

determine that nationality, it was agreed that the authorities of the third State might take certain definite factors into account, namely, the fact that the person concerned has his habitual and principal residence in one of the countries of which he is a national, or other circumstances which show more clearly his close connection with one particular nationality. In the opinion of the majority of the Committee, if he establishes his habitual and principal residence in one of the countries whose nationality he possesses, or if he shows by his acts that he is most closely connected with one of those countries, he thereby makes his choice and enables the third State, if necessary, to recognise him as exclusively possessing one particular nationality.

The text adopted by the Committee, by 35 votes to 2, has become Article 5 of the Convention. It is worded as follows :

Article 5.

Within a third State, a person having more than one nationality shall be treated as if he had only one. Without prejudice to the application of its law in matters of personal status and of any conventions in force, a third State shall, of the nationalities which any such person possesses, recognise exclusively in its territory either the nationality of the country in which he is habitually and principally resident, or the nationality of the country with which in the circumstances he appears to be in fact most closely connected.

Basis No. 6.

This Basis, which concerns the loss of nationality resulting from the voluntary acquisition of another nationality, and the conditions to which a State may subject the loss of its nationality, formed the subject of very long and interesting discussions.

The Committee seemed to be divided into two groups. Many delegates, almost all being delegates of countries of emigration, explained that their laws laid down certain conditions or even in certain cases required the issue of expatriation permits before their nationals could lose their nationality. On the other hand, the representatives of certain countries of immigration—but not all—stated that they were in favour of the principle that naturalisation abroad involved the loss of the previous nationality. The former group pleaded that it was in the interest of the country of origin to prevent certain of its nationals renouncing their nationality in order to avoid certain obligations, whereas the latter considered that the system of authorisation for obtaining freedom from allegiance was an antiquated system which did not take into account the conditions of modern life or of the right which, in their opinion, every person possessed to change his allegiance freely.

Attempts to harmonise these two points of view failed, and the Committee found itself obliged, as a compromise, to omit Basis 6 and put forward a recommendation adopted by the majority to be inserted in the Final Act of the Conference. This recommendation, though the second paragraph was strongly opposed by a minority of the Committee, was adopted as a whole by 23 votes to 7. It reads as follows :

V. It is desirable that States should apply the principle that the acquisition of a foreign nationality through naturalisation involves the loss of the previous nationality.

It is also desirable that, pending the complete realisation of the above principle, States before conferring their nationality by naturalisation should endeavour to ascertain that the person concerned has fulfilled, or is in a position to fulfil, the conditions required by the law of his country for the loss of its nationality.

* * *

The Committee also considered a proposed addition to Basis No. 6 to the effect that a State which has conferred its nationality on a person by naturalisation should not be able to withdraw from that person the rights and privileges attaching to such nationality, except in certain cases specifically defined.

The Committee decided not to insert this proposal as an article of the Convention, but to state in its report that it had examined the possibility of restricting the freedom of each State to withdraw its naturalisation. In view of the difficulties encountered, it decided not to lay down any rule but merely to call upon the various States, appealing to their sense of justice, to use their right of withdrawing their nationality in the most reasonable and limited manner possible.

Basis No. 6 *bis*.

The Preparatory Committee had proposed in Basis No. 6 *bis* that a release from allegiance (expatriation permit) does not entail loss of nationality until a foreign nationality is acquired.

Several delegations proposed that this Basis should be omitted, but the majority of the Committee agreed that its maintenance would be calculated to eliminate certain cases of statelessness.

The Committee also adopted two proposals intended to complete the proposed text ; one provides that the expatriation permit shall lapse if a new nationality is not acquired within a certain time limit ; the other that, where an expatriation permit has been issued, the fact that a new nationality has been acquired shall be notified.

The text finally submitted by the Drafting Committee was adopted by the Committee by 30 votes to 6. It has become Article 7 of the Convention.

Article 7.

In so far as the law of a State provides for the issue of an expatriation permit, such a permit shall not entail the loss of the nationality of the State which issues it, unless the person to whom it is issued possesses another nationality or unless and until he acquires another nationality.

An expatriation permit shall lapse if the holder does not acquire a new nationality within the period fixed by the State which has issued the permit. This provision shall not apply in the case of an individual who, at the time when he receives the expatriation permit, already possesses a nationality other than that of the State by which the permit is issued to him.

The State whose nationality is acquired by a person to whom an expatriation permit has been issued, shall notify such acquisition to the State which has issued the permit.

BASES NOS. 7, 8 AND 9.

Bases Nos. 7, 8 and 9 of the Preparatory Committee concerned the question of the effects of the naturalisation of parents on the nationality of their children who are minors.

Basis 7 provides that the naturalisation of the parents in a country shall confer on their children who are minors the nationality of that country except in certain cases defined by its laws. Several opinions were expressed as to the conditions to which such acquisition of nationality may be subjected and as to the law which should apply for the determination of the children's minority : law of the country of origin, law of the country of naturalisation, or both. On this last point the majority of the Committee considered that it must choose one or the other, and it finally decided in favour of the law of the country of naturalisation.

Further, finding that the laws of the various countries differ in many respects among themselves in regard to this question as a whole, the Committee drafted a text which leaves States wide freedom of action. At the same time the Committee took care in this case, as in the others, to eliminate statelessness as far as possible, and the provision it adopted precludes the possibility of a minor remaining without nationality in any circumstances.

The text, which was adopted by the Committee by 33 votes to 3 and which combines Bases 7 and 9, has become Article 13 of the Convention. It reads as follows :

Article 13.

Naturalisation of the parents shall confer on such of their children as, according to its law, are minors the nationality of the State by which the naturalisation is granted. In such case the law of that State may specify the conditions governing the acquisition of its nationality by the minor children as a result of the naturalisation of the parents. In cases where minor children do not acquire the nationality of their parents as the result of the naturalisation of the latter, they shall retain their existing nationality.

BASIS NO. 10.

The Committee retained the text of the first sentence of this Basis, which provides, in the case of children born to persons enjoying diplomatic immunities, an exception to the common law that is very widely admitted. In so doing it merely placed on record a rule that is generally applied. It considered, moreover, that the formula "persons enjoying diplomatic immunities" covers in particular the case of members of arbitral tribunals and international commissions of enquiry, in accordance with the existing rules of international law.

The Committee felt bound, however, to omit the second sentence in the first paragraph of this Basis, which read as follows : "The child (born to persons enjoying diplomatic immunities) will, however, be entitled to claim to come within the provisions of the law of the country to the extent and under the conditions prescribed by that law." Certain countries asked that this sentence should be retained, as their laws allowed children born to persons enjoying diplomatic immunities to choose the nationality of their country of birth. The Committee considered, however, that in abolishing this provision it in no way interfered with the law of those States, and, moreover, avoided giving rise to the belief that States were in general bound to grant their nationality to children who, being born in their territory to persons enjoying diplomatic immunities, claimed the benefit of their laws.

With regard to the second paragraph, the Committee considered the case of various persons exercising official functions but not necessarily enjoying diplomatic immunities. It considered in particular the case of consuls *de carrière*, and in general that of officials of

foreign States employed by their Governments on official missions. All these persons have been included in this second paragraph.

The text adopted by the Committee by 36 votes to 1 has become Article 12 of the Convention.

Article 12.

Rules of law which confer nationality by reason of birth on the territory of a State shall not apply automatically to children born to persons enjoying diplomatic immunities in the country where the birth occurs.

The law of each State shall permit children of consuls de carrière, *or of officials of foreign States charged with official missions by their Governments, to become divested, by repudiation or otherwise, of the nationality of the State in which they were born, in any case in which on birth they acquired dual nationality, provided that they retain the nationality of their parents.*

BASIS No. 11.

This Basis did not lead to any difficulties as regards substance, and the Committee merely amplified it by a provision regarding the case in which the filiation of a child of unknown parents is established later.

The text adopted by the Committee, by 41 votes, has become Article 14 of the Convention.

Article 14.

A child whose parents are both unknown shall have the nationality of the country of birth. If the child's parentage is established, its nationality shall be determined by the rules applicable in cases where the parentage is known.

A foundling is, until the contrary is proved, presumed to have been born on the territory of the State in which it was found.

BASIS No. 12.

The text adopted by the Committee to replace the text of Basis No. 12 proposed by the Preparatory Committee appears, on comparison with the latter, to mark a retrograde step. It does not, in fact, contain any obligation to confer on a child of parents having no nationality, or whose nationality is unknown, the nationality of the State of birth if it lives there up to a certain age.

The Committee desired, indeed, to take into account certain observations made by the delegations of various States regarding the provisions of their domestic laws relating to persons without nationality. A few States also wish, for economic reasons the force of which must be admitted, not to assume at present an obligation to increase the number of their nationals by granting their nationality indiscriminately to stateless children. For these reasons, the text, as adopted, has not the same scope as the original Basis. It nevertheless indicates a tendency of the Committee, which desires that States should consider the possibility of introducing into their national laws provisions which would prevent an alarming increase of stateless persons.

The Polish Delegation submitted a compromise which, if accepted by States, would be likely to do away with a number of cases of statelessness. The Committee decided that this proposal should form the subject of a Protocol annexed to the Convention.

The text, adopted unanimously as an article of the Convention (Article 15) by the 40 members who voted, reads as follows:

Article 15.

Where the nationality of a State is not acquired automatically by reason of birth on its territory, a child born on the territory of that State of parents having no nationality, or of unknown nationality, may obtain the nationality of the said State. The law of that State shall determine the conditions governing the acquisition of its nationality in such cases.

The Protocol, adopted by 26 votes to 2, is drafted as follows:

In a State whose nationality is not conferred by the mere fact of birth in its territory, a person born in its territory of a mother possessing the nationality of that State and of a father without nationality or of unknown nationality shall have the nationality of the said State.

BASIS No. 13.

The Committee decided to delete Basis No. 13, which refers to the acqu sition under certain conditions of the nationality of the State of birth by a child of parents whose nationality is not transmitted to it by operation of law. This Basis had raised numerous difficulties, and a further argument for its deletion was that the cases to which a conventional provision of this kind could have applied are altogether exceptional.

BASES NOS. 14 AND 14 *bis*.

Guided by the same considerations as in the case of Basis 13, the Committee decided to omit Bases Nos. 14 and 14 *bis* concerning the nationality of children born on ships.

BASIS NO. 15.

Basis No. 15 provided, without prejudice to the liberty of each State to accord wider rights to renounce its nationality, that a person having two nationalities might renounce one of these, with the authorisation of the Government concerned. The text proposed by the Preparatory Committee added that such authorisation might not be refused if the person had his habitual residence abroad and satisfied the conditions necessary to cause loss of his former nationality to result from his being naturalised abroad.

The text adopted by the Committee after long discussion constitutes a compromise intended to reconcile the divergent views expressed.

The text of the Basis was limited so as to exclude the case of an individual possessing two nationalities, one of which was acquired voluntarily by naturalisation. This was done in order to meet the wishes of certain immigration countries.

It was also pointed out that, as the Committee desired to eliminate double nationality as far as possible, it should be laid down that a person possessing two nationalities acquired at birth should be able, on reaching his majority, to opt for one or the other of these nationalities.

The Committee did not agree with this suggestion. It has made the right to renounce the nationality of a State depend upon authorisation being given by the State whose nationality the person concerned intends to relinquish, and it agreed that such authorisation should not be refused to a person having his habitual and principal residence abroad, provided the conditions required by the law of the State whose nationality is to be relinquished are complied with.

In spite of the Committee's desire to eliminate cases of double nationality as far as possible, it has not admitted that a person possessing two nationalities may, in order to avoid service obligations in one of the countries of which he is a national, renounce the nationality of that country without further formalities. If, however, States have the right to refuse release from allegiance, it is desirable that their laws should make provision for such release under the conditions laid down in the law of the State concerned.

The Committee adopted by 37 votes to 2 the following text, which has become Article 6 of the Convention.

Article 6.

Without prejudice to the liberty of a State to accord wider rights to renounce its nationality, a person possessing two nationalities acquired without any voluntary act on his part may renounce one of them with the authorisation of the State whose nationality he desires to surrender.

This authorisation may not be refused in the case of a person who has his habitual and principal residence abroad, if the conditions laid down in the law of the State whose nationality he desires to surrender are satisfied.

Moreover, on the proposal of several delegations—in particular the Danish Delegation —the Committee decided to examine the question of the military obligations of persons having double nationality and to draft a text allowing States which so desire to undertake to exempt such persons from military service in one of the countries of which they are nationals.

Though the suggestion that a rule of this nature should be inserted in the actual text of the Convention was not generally accepted, the Committee decided unanimously to place it in a separate Protocol of the Convention.

This provision, which forms the subject of the first article of a Protocol annexed to the Convention, was supplemented by two other articles, proposed by the British and French Delegations respectively.

These three articles are worded as follows :

Article 1.

A person possessing two or more nationalities who habitually resides in one of the countries whose nationality he possesses, and who is in fact most closely connected with that country, shall be exempt from all military obligations in the other country or countries.

This exemption may involve the loss of the nationality of the other country or countries.

Article 2.

Without prejudice to the provisions of Article 1 of the present Protocol, if a person possesses the nationality of two or more States and, under the law of any one of such States, has the right, on attaining his majority, to renounce or decline the nationality of that State, he shall be exempt from military service in such State during his minority.

Article 3.

A person who has lost the nationality of a State under the law of that State and has acquired another nationality, shall be exempt from military obligations in the State of which he has lost the nationality.

The Committee also adopted two recommendations regarding the settlement of the problem of double nationality in general: the first was proposed by the Swiss and the second by the United States Delegation.

These recommendations are worded as follows:

III. The Conference is unanimously of the opinion that it is very desirable that States should, in the exercise of their power of regulating questions of nationality, make every effort to reduce so far as possible cases of dual nationality,

and that the League of Nations should consider what steps may be taken for arriving at an international settlement of the different conflicts which arise from the possession by an individual of two or more nationalities.

IV. The Conference recommends that States should adopt legislation designed to facilitate, in the case of persons possessing two or more nationalities at birth, the renunciation of the nationality of the countries in which they are not resident, without subjecting such renunciation to unnecessary conditions.

Basis No. 16.

A very full discussion took place on the question of the nationality of married women. Further, the Committee, before taking its decisions, heard the views of the delegations of the women's international associations, who, after being received by the Bureau of the Conference, expressed the desire to lay their views also before the Committee itself at a plenary meeting.

Thus the texts of Bases 16 to 19 were adopted with a full knowledge of the facts and after an exhaustive examination both of the situation and of existing tendencies.

Basis No. 16 provides that if the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband. As already observed, this text forms a compromise between two diametrically opposed conceptions: that of the countries which consider that in the matter of nationality there should be complete equality between the sexes, and that of the countries in which the status of the husband governs that of the wife. Although some countries admit the former principle in their laws either wholly or in part and apply it more or less completely, the laws of many countries provide that, from the point of view of nationality, the wife must, as a rule, follow her husband.

It was observed that the co-existence of these two principles—the freedom of the wife on the one hand and the unity of the family on the other—had the effect of increasing the number of cases of double nationality and also of statelessness. In point of fact a woman can lose her nationality through marriage with a foreigner, and being unable to acquire that of her husband can become stateless, while on the other hand, retaining the nationality she possesses by birth, she can also acquire that of her husband. For that reason the Committee, without attempting to decide in favour of either of the two existing systems—indeed that is rather the duty of the legislatures of the different countries—simply endeavoured to remedy some of the defects resulting from existing conditions and, in particular, the case of statelessness provided for in the text of this Basis. If States adopt this text, progress will have been made in eliminating cases of statelessness among married women.

Several delegations had proposed to add a provision to the effect that a woman who, according to her national law, is entitled on marrying a foreigner either to take her husband's nationality or to retain her own nationality, does not lose her nationality unless she acquires her husband's nationality under the latter's national law.

The delegations which proposed this additional paragraph withdrew it, because the Committee thought, first, that the case was covered by the text of the Basis, and also because the possibility referred to in this proposal would in practice very seldom arise. A woman who, under her national legislation, is allowed an option, will certainly not renounce her nationality until she has made sure that, according to the law of her husband's country, she can acquire her husband's nationality.

The text adopted by the Committee, by 32 votes to 2, has become Article 8 of the Convention.

Article 8.

If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.

Recommendation.

Although, in order to harmonise as far as possible the various opinions expressed, the Committee did not feel itself called upon to introduce any alterations in Basis No. 16, it nevertheless agreed to the suggestion, put forward by various delegations, to adopt a

vœu pointing out that there was a fairly pronounced tendency to place both sexes on an equal footing in the matter of nationality, taking into consideration the interest of the children, and also to allow a woman who marries a foreigner greater freedom in the matter of retaining her nationality of origin.

In this connection, the Committee combined in one text two proposals submitted, one by the Belgian Delegation and the other by the Delegation of the United States of America and, by 27 votes to 2, it adopted the following recommendation :

VI. The Conference recommends to the States the study of the question whether it would not be possible

(1) *to introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children,*

(2) *and especially to decide that in principle the nationality of the wife shall henceforth not be affected without her consent either by the mere fact of marriage or by any change in the nationality of her husband.*

BASIS No. 17.

The text of the Preparatory Committee, which the Committee adopted by 30 votes to 2 and which has become Article 9 of the Convention, is as follows :

Article 9.

If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage, this consequence shall be conditional on her acquiring her husband's new nationality.

BASIS No. 18.

The Committee rejected a proposal to omit this Basis and adopted the text of the Preparatory Committee by 23 votes to 7. This has become Article 10 of the Convention.

Article 10.

Naturalisation of the husband during marriage shall not involve a change in the nationality of the wife except with her consent.

BASIS No. 19.

The Committee did not accept a proposal to delete this Basis. By 26 votes to 2 it adopted the following text, which has become Article 11 of the Convention.

Article 11.

The wife who, under the law of her country, lost her nationality on marriage shall not recover it after the dissolution of the marriage except on her own application and in accordance with the law of that country. If she does recover it, she shall lose the nationality which she acquired by reason of the marriage.

The Committee then adopted, in the form of a recommendation, a Polish proposal, supported by the Delegation of Salvador, to the effect that a woman who becomes a stateless person in consequence of her marriage may obtain a passport from the State of which her husband is a national.

This recommendation, which was adopted by all the members except two, reads as follows :

VII. The Conference recommends that a woman who, in consequence of her marriage, has lost her previous nationality without acquiring that of her husband, should be able to obtain a passport from the State of which her husband is a national.

BASIS No. 20.

The Committee deleted Basis No. 20, which refers to the acquisition of the father's nationality by an illegitimate child who has been legitimated. It considered that States should, in particular, undertake to prevent statelessness in illegitimate children, and that Basis No. 20 *bis* would serve this purpose.

BASIS No. 20 *bis*.

The Committee agreed to Basis No. 20 *bis*, which is designed to prevent an illegitimate child becoming a stateless person, in certain cases, on being legitimated or recognised.

The text adopted by the Committee, by 35 votes to 1, has become Article 16 of the Convention.

Article 16.

If the law of the State, whose nationality an illegitimate child possesses, recognises that such nationality may be lost as a consequence of a change in the civil status of the child (legitimation, recognition), such loss shall be conditional on the acquisition by the child of the nationality of another State under the law of such State relating to the effect upon nationality of changes in civil status.

BASIS No. 21.

Basis No. 21 is intended to prevent statelessness in certain cases as a result of adoption.

The Committee accepted an amendment to the Preparatory Committee's text to replace the words "enfant adoptif" by the word "adopté". This wording is of wider scope and allows any adopted person, no matter what his age may be, to retain his nationality if he does not acquire that of the adoptive parent.

It was also proposed to draft this Basis by following as closely as possible the text adopted for Basis No. 20 *bis*. This proposal was agreed to, and the Committee adopted unanimously by 38 votes the following text, which has become Article 17 of the Convention :

Article 17.

If the law of a State recognises that its nationality may be lost as the result of adoption, this loss shall be conditional upon the acquisition by the person adopted of the nationality of the person by whom he is adopted, under the law of the State of which the latter is a national relating to the effect of adoption upon nationality.

FINAL CLAUSES.

The Committee examined the general and formal clauses to be embodied in the Convention which it has drawn up.

It adopted as the basis of this study the texts prepared by the Central Drafting Committee, to which it referred certain proposals formulated by various delegations.

The Committee indicated the lines on which, in its opinion, the article should be drafted which refers to the relations between the Convention and the agreements that have already been concluded or may subsequently be concluded by Governments. It also furnished indications for the drafting of the clause relating to the conditions governing the application of the provisions laid down on nationality in the colonies and other territories under the authority of the Contracting States.

As regards the article relating to reservations, the Rules of Procedure of the Conference left each Committee to take its own decision as to the limits within which States could exclude individual provisions from acceptance by means of reservations.

Two tendencies were revealed in the Committee. Some delegations thought that States must be left free to exclude any provision whatever from their acceptance, while others would have preferred that certain provisions should not be made the subject of reservations. The latter view was not accepted, but it was generally agreed that States should themselves limit as far as possible their right to make reservations when signing or ratifying the Convention or when acceding to it.

As regards the interpretation of the word "provision", it was understood that that term must be taken in a wide sense. Since a State has the right to exclude whole articles from its acceptance, it is free, under the rule that "the whole includes the part", to exclude a part only of the text of an article, but it was agreed that the exclusion of a part of a text should be understood in the material sense of the word and not as affecting the meaning or the scope of the provision.

PROTOCOLS.

As indicated above, two Protocols were adopted by a two-thirds majority of the votes cast. The Committee further adopted a special Protocol by a simple majority.

These three Protocols are independent of the Convention. They will be opened separately for the signature or the accession of States. They indicate which of the general and formal clauses of the Convention are applicable to each of them.

RECOMMENDATIONS.

Apart from the recommendations mentioned above, the Committee also adopted the following texts :

I. Recommendation submitted by the Czechoslovak, Polish, Portuguese, Roumanian and Yugoslav Delegations adopted by 21 votes to 3 :

The Conference draws the attention of States to the advisability of examining at a future Conference questions connected with the proof of nationality.

It would be highly desirable to determine the legal value of certificates of nationality which have been, or may be, issued by the competent authorities, and to lay down the conditions for their recognition by other States.

II. Recommendation submitted by the Drafting Committee and adopted unanimously :

The Conference,

With a view to facilitating the progressive codification of international law,

Recommends

That, in the future, States should be guided as far as possible by the provisions of the Acts of the First Conference for the Codification of International Law in any special conventions which they may conclude among themselves.

The Committee also referred to the Drafting Committee a *vœu* of the Greek Delegation and the observations submitted on the organisation of future Conferences for the Progressive Codification of International Law. The Committee hopes that the Conference may thus make recommendations on this important question.

* * *

Although the Conference has succeeded in drawing up the texts mentioned in the present Report, it notes with regret that it has been unable to accomplish at present the main object of its work, which was to provide full regulations, by means of a convention, for the problem of nationality. It has encountered almost insurmountable obstacles, due to divergencies in the different laws and also to the more or less marked tendency of each delegation to press the claims of its own country's laws. As a result, the agreements adopted do not entirely eliminate the unfortunate consequences of double nationality and statelessness.

Nevertheless, the whole Convention can be said to be dominated by a general idea which the legislatures of every country must regard as expressing the feeling of the Conference. This idea is that every individual should have a nationality and that it is most important for all countries to prevent any person from possessing multiple nationality.

Although there are still very important questions to be settled, it is only right to point out that this first attempt at the codification of nationality laws marks a very noteworthy advance.

In conclusion, the Rapporteur would like to emphasise one point which is of particular importance : when and how do the Contracting Parties propose to bring their own laws into line with the provisions of the Convention adopted ? According to Article 18, the Parties agree to apply, in their relations with each other, the principles and rules of the Convention as from the date of its coming into force. In order to be able to carry out this undertaking the States must, before ratifying, take any steps that may be necessary to bring their laws into line with the new conventional provisions which they are prepared to accept.

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[Conf. C. D. I. 22.]

ANNEXE 5.

CONVENTION CONCERNANT CERTAINES QUESTIONS RELATIVES AUX CONFLITS DE LOIS SUR LA NATIONALITÉ

Texte adopté par la Conférence le 12 avril 1930.

[*Indication des Hautes Parties Contractantes.*]

Considérant qu'il importerait de régler par voie d'accord international les questions relatives aux conflits de lois sur la nationalité ;

Convaincus qu'il est de l'intérêt général de la communauté internationale de faire admettre par tous ses membres que tout individu devrait avoir une nationalité et n'en posséder qu'une seule ;

Reconnaissant par suite que l'idéal vers lequel l'humanité doit s'orienter dans ce domaine consiste à supprimer tout ensemble les cas d'apatridie et ceux de double nationalité ;

Estimant que, dans les conditions économiques et sociales existant actuellement dans les divers pays, il n'est pas possible de procéder dès maintenant à un règlement uniforme de tous les problèmes susindiqués ;

Désireux néanmoins de commencer cette grande œuvre par un premier essai de codification progressive, en réglant celles des questions relatives aux conflits de lois sur la nationalité sur lesquelles une entente internationale est présentement possible,

Ont résolu de conclure une Convention et, à cet effet, ont nommé pour leurs Plénipotentiaires, savoir :

[*Désignation des Plénipotentiaires.*]

LESQUELS, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme SONT CONVENUS DES DISPOSITIONS SUIVANTES :

CHAPITRE PREMIER — PRINCIPES GÉNÉRAUX

Article premier.

Il appartient à chaque État de déterminer par sa législation quels sont ses nationaux. Cette législation doit être admise par les autres États, pourvu qu'elle soit en accord avec les conventions internationales, la coutume internationale et les principes de droit généralement reconnus en matière de nationalité.

Article 2.

Toute question relative au point de savoir si un individu possède la nationalité d'un État doit être résolue conformément à la législation de cet État.

Article 3.

Sous réserve des dispositions de la présente Convention, un individu possédant deux ou plusieurs nationalités pourra être considéré, par chacun des États dont il a la nationalité, comme son ressortissant.

Article 4.

Un État ne peut exercer sa protection diplomatique au profit d'un de ses nationaux à l'encontre d'un État dont celui-ci est aussi le national.

Article 5.

Dans un État tiers, l'individu possédant plusieurs nationalités devra être traité comme s'il n'en avait qu'une. Sans préjudice des règles de droit appliquées dans l'État tiers en matière de statut personnel et sous réserve des conventions en vigueur, cet État pourra, sur son territoire, reconnaître exclusivement, parmi les nationalités que possède un tel individu, soit la nationalité du pays dans lequel il a sa résidence habituelle et principale, soit la nationalité de celui auquel, d'après les circonstances, il apparaît comme se rattachant le plus en fait.

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ANNEX 5.

CONVENTION ON CERTAIN QUESTIONS RELATING TO THE CONFLICT OF NATIONALITY LAWS.

Text adopted by the Conference on April 12th, 1930.

[*Names of the High Contracting Parties.*]

Considering that it is of importance to settle by international agreement questions relating to the conflict of nationality laws;

Being convinced that it is in the general interest of the international community to secure that all its members should recognise that every person should have a nationality and should have one nationality only;

Recognising accordingly that the ideal towards which the efforts of humanity should be directed in this domain is the abolition of all cases both of statelessness and of double nationality;

Being of opinion that, under the economic and social conditions which at present exist in the various countries, it is not possible to reach immediately a uniform solution of all the above-mentioned problems;

Being desirous, nevertheless, as a first step toward this great achievement, of settling in a first attempt at progressive codification, those questions relating to the conflict of nationality laws on which it is possible at the present time to reach international agreement,

Have decided to conclude a Convention and have for this purpose appointed as their Plenipotentiaries:

[*Designation of Plenipotentiaries.*]

WHO, having deposited their full powers found in good and due form, HAVE AGREED AS FOLLOWS:

CHAPTER I.—GENERAL PRINCIPLES.

Article 1.

It is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality.

Article 2.

Any question as to whether a person possesses the nationality of a particular State shall be determined in accordance with the law of that State.

Article 3.

Subject to the provisions of the present Convention, a person having two or more nationalities may be regarded as its national by each of the States whose nationality he possesses.

Article 4.

A State may not afford diplomatic protection to one of its nationals against a State whose nationality such person also possesses.

Article 5.

Within a third State, a person having more than one nationality shall be treated as if he had only one. Without prejudice to the application of its law in matters of personal status and of any conventions in force, a third State shall, of the nationalities which any such person possesses, recognise exclusively in its territory either the nationality of the country in which he is habitually and principally resident, or the nationality of the country with which in the circumstances he appears to be in fact most closely connected.

Article 6.

Sous réserve du droit pour un État d'accorder une plus large faculté de répudier sa nationalité, tout individu possédant deux nationalités acquises sans manifestation de volonté de sa part pourra renoncer à l'une d'elles, avec l'autorisation de l'État à la nationalité duquel il entend renoncer.

Cette autorisation ne sera pas refusée à l'individu qui a sa résidence habituelle et principale à l'étranger, pourvu que soient remplies les conditions requises par la loi de l'État à la nationalité duquel il entend renoncer.

CHAPITRE II — DU PERMIS D'EXPATRIATION

Article 7.

Le permis d'expatriation, en tant qu'il est prévu par une législation, n'entraîne la perte de la nationalité de l'État qui l'a délivré que si le titulaire du permis possède déjà une seconde nationalité, ou, sinon, qu'à partir du moment où il en acquiert une nouvelle.

Le permis d'expatriation devient caduc si le titulaire n'acquiert pas une nationalité nouvelle dans le délai fixé par l'État qui l'a délivré. Cette disposition ne s'applique pas dans le cas d'un individu qui, au moment où il reçoit le permis d'expatriation, possède déjà une autre nationalité que celle de l'État qui le lui délivre.

L'État dont la nationalité est acquise par un individu titulaire d'un permis d'expatriation notifiera cette acquisition à l'État qui a délivré le permis.

CHAPITRE III — DE LA NATIONALITÉ DE LA FEMME MARIÉE

Article 8.

Si la loi nationale de la femme lui fait perdre sa nationalité par suite de mariage avec un étranger, cet effet sera subordonné à l'acquisition par elle de la nationalité de son mari.

Article 9.

Si la loi nationale de la femme lui fait perdre sa nationalité par suite du changement de nationalité de son mari au cours du mariage, cet effet sera subordonné à l'acquisition par elle de la nationalité nouvelle de son mari.

Article 10.

La naturalisation du mari au cours du mariage n'entraîne le changement de nationalité de sa femme que du consentement de celle-ci.

Article 11.

La femme qui, d'après la loi de son pays, a perdu sa nationalité par suite de son mariage, ne la recouvre après la dissolution de celui-ci que si elle en fait la demande et conformément à la loi de ce pays. Dans ce cas elle perd la nationalité qu'elle avait acquise par suite de son mariage.

CHAPITRE IV — DE LA NATIONALITÉ DES ENFANTS

Article 12.

Les dispositions légales relatives à l'attribution de la nationalité d'un État en raison de la naissance sur son territoire ne s'appliquent pas de plein droit aux enfants dont les parents jouissent des immunités diplomatiques dans le pays de la naissance.

La loi de chaque État doit permettre que, dans le cas où des enfants de consuls de carrière ou de fonctionnaires d'États étrangers chargés de missions officielles par leurs gouvernements possèdent deux nationalités par suite de leur naissance, ils puissent être dégagés, par voie de répudiation ou autrement, de la nationalité du pays où ils sont nés, à condition toutefois qu'ils conservent la nationalité de leurs parents.

Article 6.

Without prejudice to the liberty of a State to accord wider rights to renounce its nationality, a person possessing two nationalities acquired without any voluntary act on his part may renounce one of them with the authorisation of the State whose nationality he desires to surrender.

This authorisation may not be refused in the case of a person who has his habitual and principal residence abroad, if the conditions laid down in the law of the State whose nationality he desires to surrender are satisfied.

CHAPTER II.—EXPATRIATION PERMITS.

Article 7.

In so far as the law of a State provides for the issue of an expatriation permit, such a permit shall not entail the loss of the nationality of the State which issues it, unless the person to whom it is issued possesses another nationality or unless and until he acquires another nationality.

An expatriation permit shall lapse if the holder does not acquire a new nationality within the period fixed by the State which has issued the permit. This provision shall not apply in the case of an individual who, at the time when he receives the expatriation permit, already possesses a nationality other than that of the State by which the permit is issued to him.

The State whose nationality is acquired by a person to whom an expatriation permit has been issued, shall notify such acquisition to the State which has issued the permit.

CHAPTER III.—NATIONALITY OF MARRIED WOMEN.

Article 8.

If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.

Article 9.

If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage, this consequence shall be conditional on her acquiring her husband's new nationality.

Article 10.

Naturalisation of the husband during marriage shall not involve a change in the nationality of the wife except with her consent.

Article 11.

The wife who, under the law of her country, lost her nationality on marriage shall not recover it after the dissolution of the marriage except on her own application and in accordance with the law of that country. If she does recover it, she shall lose the nationality which she acquired by reason of the marriage.

CHAPTER IV.—NATIONALITY OF CHILDREN.

Article 12.

Rules of law which confer nationality by reason of birth on the territory of a State shall not apply automatically to children born to persons enjoying diplomatic immunities in the country where the birth occurs.

The law of each State shall permit children of consuls *de carrière*, or of officials of foreign States charged with official missions by their Governments, to become divested, by repudiation or otherwise, of the nationality of the State in which they were born, in any case in which on birth they acquired dual nationality, provided that they retain the nationality of their parents.

Article 13.

La naturalisation des parents fait acquérir à ceux de leurs enfants, qui sont mineurs d'après la loi de l'État qui accorde la naturalisation, la nationalité de cet État. La loi dudit État peut déterminer les conditions auxquelles est subordonnée dans ce cas l'acquisition de sa nationalité. Dans les cas où la loi d'un État n'étend pas les effets de la naturalisation des parents à leurs enfants mineurs, ceux-ci conservent leur nationalité.

Article 14.

L'enfant dont aucun des parents n'est connu a la nationalité du pays où il est né. Si la filiation de l'enfant vient à être établie, la nationalité de celui-ci sera déterminée d'après les règles applicables dans les cas où la filiation est connue.

L'enfant trouvé est, jusqu'à preuve du contraire, présumé né sur le territoire de l'État où il a été trouvé.

Article 15.

Lorsque la nationalité d'un État n'est pas acquise de plein droit par suite de la naissance sur le territoire de cet État, l'enfant qui y est né de parents sans nationalité ou de nationalité inconnue peut obtenir la nationalité dudit État. La loi de celui-ci déterminera les conditions auxquelles sera subordonnée dans ces cas l'acquisition de sa nationalité.

Article 16.

Si la loi d'un État admet qu'un enfant naturel possédant la nationalité de cet État, peut la perdre par suite d'un changement d'état civil (légitimation, reconnaissance), cette perte sera toutefois subordonnée à l'acquisition de la nationalité d'un autre État, d'après la loi de ce dernier relative aux effets du changement d'état civil sur la nationalité.

CHAPITRE V — DE L'ADOPTION

Article 17.

Si la loi d'un État admet la perte de la nationalité par suite d'adoption, cette perte sera toutefois subordonnée à l'acquisition par l'adopté de la nationalité de l'adoptant, conformément à la loi de l'État dont celui-ci est ressortissant et relative aux effets de l'adoption sur la nationalité.

CHAPITRE VI — DISPOSITIONS GÉNÉRALES ET FINALES

Article 18.

Les Hautes Parties Contractantes conviennent d'appliquer, dans leurs relations mutuelles, à partir de la mise en vigueur de la présente Convention, les principes et règles insérés aux articles ci-dessus.

L'insertion de ces principes et règles ne préjuge en rien la question de savoir si lesdits principes et règles font ou non partie actuellement du droit international

Il est en outre entendu qu'en ce qui concerne tout point qui ne fait pas l'objet d'une des dispositions ci-dessus, les principes et règles du droit international demeurent en vigueur.

Article 19.

Rien dans la présente Convention ne portera atteinte aux dispositions des traités, conventions ou accords en vigueur entre les Hautes Parties Contractantes relatifs à la nationalité ou à des questions s'y rattachant.

Article 20.

En signant ou ratifiant la présente Convention ou en y adhérant, chacune des Hautes Parties Contractantes pourra exclure de son acceptation telle ou telle des dispositions des articles 1 à 17 et 21 au moyen de réserves expresses.

Les dispositions ainsi exclues ne pourront être opposées à la Partie Contractante ayant formulé de telles réserves ni invoquées par elle contre une autre Partie Contractante.

Article 13.

Naturalisation of the parents shall confer on such of their children as, according to its law, are minors the nationality of the State by which the naturalisation is granted. In such case the law of that State may specify the conditions governing the acquisition of its nationality by the minor children as a result of the naturalisation of the parents. In cases where minor children do not acquire the nationality of their parents as the result of the naturalisation of the latter, they shall retain their existing nationality.

Article 14.

A child whose parents are both unknown shall have the nationality of the country of birth. If the child's parentage is established, its nationality shall be determined by the rules applicable in cases where the parentage is known.

A foundling is, until the contrary is proved, presumed to have been born on the territory of the State in which it was found.

Article 15.

Where the nationality of a State is not acquired automatically by reason of birth on its territory, a child born on the territory of that State of parents having no nationality, or of unknown nationality, may obtain the nationality of the said State. The law of that State shall determine the conditions governing the acquisition of its nationality in such cases.

Article 16.

If the law of the State, whose nationality an illegitimate child possesses, recognises that such nationality may be lost as a consequence of a change in the civil status of the child (legitimation, recognition), such loss shall be conditional on the acquisition by the child of the nationality of another State under the law of such State relating to the effect upon nationality of changes in civil status.

CHAPTER V.—ADOPTION.

Article 17.

If the law of a State recognises that its nationality may be lost as the result of adoption, this loss shall be conditional upon the acquisition by the person adopted of the nationality of the person by whom he is adopted, under the law of the State of which the latter is a national relating to the effect of adoption upon nationality.

CHAPTER VI.—GENERAL AND FINAL PROVISIONS.

Article 18.

The High Contracting Parties agree to apply the principles and rules contained in the preceding articles in their relations with each other, as from the date of the entry into force of the present Convention.

The inclusion of the above-mentioned principles and rules in the Convention shall in no way be deemed to prejudice the question whether they do or do not already form part of international law.

It is understood that, in so far as any point is not covered by any of the provisions of the preceding articles, the existing principles and rules of international law shall remain in force.

Article 19.

Nothing in the present Convention shall affect the provisions of any treaty, convention or agreement in force between any of the High Contracting Parties relating to nationality or matters connected therewith.

Article 20.

Any High Contracting Party may, when signing or ratifying the present Convention or acceding thereto, append an express reservation excluding any one or more of the provisions of Articles 1 to 17 and 21.

The provisions thus excluded cannot be applied against the Contracting Party who has made the reservation nor relied on by that Party against any other Contracting Party.

Article 21.

S'il s'élève entre les Hautes Parties Contractantes un différend quelconque relatif à l'interprétation ou à l'application de la présente Convention, et si ce différend n'a pu être résolu de façon satisfaisante par voie diplomatique, il sera réglé conformément aux dispositions, en vigueur entre les parties, concernant le règlement des différends internationaux.

Au cas où de telles dispositions n'existeraient pas entre les parties au différend, elles le soumettront à une procédure arbitrale ou judiciaire, en se conformant aux lois constitutionnelles de chacune d'elles. A défaut d'accord sur le choix d'un autre tribunal, elles soumettront le différend à la Cour permanente de Justice internationale, si elles sont toutes Parties au Protocole du 16 décembre 1920, relatif à ladite Cour, et, si elles n'y sont pas toutes Parties, à un tribunal d'arbitrage constitué conformément à la Convention de La Haye du 18 octobre 1907, relative au règlement pacifique des conflits internationaux.

Article 22.

La présente Convention pourra être signée, jusqu'au 31 décembre 1930, au nom de tout Membre de la Société des Nations ou de tout État non Membre, invité à la première Conférence de Codification ou auquel le Conseil de la Société des Nations aura, à cet effet, communiqué un exemplaire de ladite Convention.

Article 23.

La présente Convention sera ratifiée et les ratifications seront déposées au Secrétariat de la Société des Nations.

Le Secrétaire général donnera connaissance de chaque dépôt aux Membres de la Société des Nations et aux États non Membres visés à l'article 22, en indiquant la date à laquelle ce dépôt a été effectué.

Article 24.

A partir du 1er janvier 1931, tout Membre de la Société des Nations et tout État non Membre visé à l'article 22, au nom duquel la Convention n'a pas été signée à cette date, sera admis à y adhérer.

Son adhésion fera l'objet d'un Acte déposé au Secrétariat de la Société des Nations. Le Secrétaire général notifiera chaque adhésion à tous les Membres de la Société des Nations et à tous les États non Membres visés à l'article 22, en indiquant la date à laquelle l'Acte d'adhésion a été déposé.

Article 25.

Un procès-verbal sera dressé par le Secrétaire général de la Société des Nations dès que des ratifications ou des adhésions auront été déposées au nom de dix Membres de la Société des Nations ou États non Membres.

Une copie certifiée conforme de ce procès-verbal sera remise à chacun des Membres de la Société des Nations et à tout État non Membre visés à l'article 22, par les soins du Secrétaire général de la Société des Nations.

Article 26.

La présente Convention entrera en vigueur le 90me jour après la date du procès-verbal visé à l'article 25 à l'égard des Membres de la Société des Nations et des États non Membres au nom desquels des ratifications ou adhésions auront été déposées à la suite de ce procès-verbal.

A l'égard de chacun des Membres ou États non Membres au nom desquels des ratifications ou des adhésions seront ultérieurement déposées, la Convention entrera en vigueur le 90me jour après la date du dépôt de sa ratification ou de son adhésion.

Article 27.

A partir du 1er janvier 1936, tout Membre de la Société des Nations et tout État non Membre à l'égard duquel la présente Convention est à ce moment en vigueur pourra adresser au Secrétaire général de la Société des Nations une demande tendant à la revision de certaines ou de toutes les dispositions de cette Convention. Si une telle demande, communiquée aux autres Membres ou États non Membres à l'égard desquels la Convention est à ce moment en vigueur, est appuyée dans un délai d'un an par au moins neuf d'entre eux, le Conseil de la Société des Nations décidera, après consultation des Membres et des États non Membres visés à

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.

Article 22.

The present Convention shall remain open until the 31st December, 1930, for signature on behalf of any Member of the League of Nations or of any non-Member State invited to the First Codification Conference or to which the Council of the League of Nations has communicated a copy of the Convention for this purpose.

Article 23.

The present Convention is subject to ratification. Ratifications shall be deposited with the Secretariat of the League of Nations.

The Secretary-General shall give notice of the deposit of each ratification to the Members of the League of Nations and to the non-Member States mentioned in Article 22, indicating the date of its deposit.

Article 24.

As from January 1st, 1931, any Member of the League of Nations and any non-Member State mentioned in Article 22 on whose behalf the Convention has not been signed before that date, may accede thereto.

Accession shall be effected by an instrument deposited with the Secretariat of the League of Nations. The Secretary-General of the League of Nations shall give notice of each accession to the Members of the League of Nations and to the non-Member States mentioned in Article 22, indicating the date of the deposit of the instrument.

Article 25.

A procès-verbal shall be drawn up by the Secretary-General of the League of Nations as soon as ratifications or accessions on behalf of ten Members of the League of Nations or non-Member States have been deposited.

A certified copy of this procès-verbal shall be sent by the Secretary-General of the League of Nations to each Member of the League of Nations and to each non-Member State mentioned in Article 22.

Article 26.

The present Convention shall enter into force on the 90th day after the date of the procès-verbal mentioned in Article 25 as regards all Members of the League of Nations or non-Member States on whose behalf ratifications or accessions have been deposited on the date of the procès-verbal.

As regards any Member of the League or non-Member State on whose behalf a ratification or accession is subsequently deposited, the Convention shall enter into force on the 90th day after the date of the deposit of a ratification or accession on its behalf.

Article 27.

As from January 1st, 1936, any Member of the League of Nations or any non-Member State in regard to which the present Convention is then in force, may address to the Secretary-General of the League of Nations a request for the revision of any or all of the provisions of this Convention. If such a request, after being communicated to the other Members of the League and non-Member States in regard to which the Convention is then in force, is supported within one year by at least nine of them, the Council of the League of Nations shall decide, after consultation with the Members of the League of

l'article 22, s'il y a lieu de convoquer une conférence spéciale à cet effet, ou de mettre cette revision à l'ordre du jour d'une prochaine conférence pour la codification du droit international.

Les Hautes Parties Contractantes conviennent qu'en cas de revision de la présente Convention, la Convention nouvelle pourra prévoir que son entrée en vigueur entraînera l'abrogation à l'égard de toutes les Parties à la présente Convention de toutes les dispositions de celle-ci ou de certaines d'entre elles.

Article 28.

La présente Convention peut être dénoncée.

Cette dénonciation sera notifiée par écrit au Secrétaire général de la Société des Nations, qui en donnera connaissance à tous les Membres de la Société des Nations et aux États non Membres visés à l'article 22.

Cette dénonciation ne produira effet qu'à l'égard du Membre ou de l'État non Membre qui l'aura notifiée et un an après la date à laquelle cette notification aura été reçue par le Secrétaire général.

Article 29.

1. Chacune des Hautes Parties Contractantes peut déclarer, au moment de la signature, de la ratification ou de l'adhésion que, par son acceptation de la présente Convention, Elle n'entend assumer aucune obligation en ce qui concerne l'ensemble ou toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat, ou encore en ce qui concerne certaines de leurs populations ; dans ce cas, la présente Convention ne sera pas applicable aux territoires ou populations faisant l'objet d'une telle déclaration.

2. Chacune des Hautes Parties Contractantes pourra ultérieurement notifier au Secrétaire général de la Société des Nations qu'Elle entend rendre la présente Convention applicable à l'ensemble ou à toute partie de ses territoires ou de leurs populations ayant fait l'objet de la déclaration prévue au paragraphe précédent. Dans ce cas, la Convention s'appliquera aux territoires ou aux populations visés dans la notification six mois après la réception de cette notification par le Secrétaire général de la Société des Nations.

3. De même, chacune des Hautes Parties Contractantes peut, à tout moment, déclarer qu'Elle entend voir cesser l'application de la présente Convention à l'ensemble ou à toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat, ou encore en ce qui concerne certaines de leurs populations ; dans ce cas, la Convention cessera d'être applicable aux territoires ou populations faisant l'objet d'une telle déclaration un an après la réception de cette déclaration par le Secrétaire général de la Société des Nations.

4. Chacune des Hautes Parties Contractantes peut faire des réserves conformément à l'article 20 de la présente Convention en ce qui concerne l'ensemble ou toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat, ou en ce qui concerne certaines de leurs populations, au moment de la signature, de la ratification ou de l'adhésion, ou au moment de la notification prévue au paragraphe 2 du présent article.

5. Le Secrétaire général de la Société des Nations communiquera à tous les Membres de la Société des Nations et aux États non Membres, visés à l'article 22, les déclarations et notifications reçues en vertu du présent article.

Article 30.

La présente Convention sera enregistrée par les soins du Secrétaire général de la Société des Nations, dès sa mise en vigueur.

Article 31.

Les textes français et anglais de la présente Convention font également foi.

Nations and the non-Member States mentioned in Article 22, whether a conference should be specially convoked for that purpose or whether such revision should be considered at the next conference for the codification of international law.

The High Contracting Parties agree that, if the present Convention is revised, the revised Convention may provide that upon its entry into force some or all of the provisions of the present Convention shall be abrogated in respect of all of the Parties to the present Convention.

Article 28.

The present Convention may be denounced.

Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all Members of the League of Nations and the non-Member States mentioned in Article 22.

Each denunciation shall take effect one year after the receipt by the Secretary-General of the notification but only as regards the Member of the League or non-Member State on whose behalf it has been notified.

Article 29.

1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories; and the present Convention shall not apply to any territories or to the parts of their population named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of his territories or to the parts of their population which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories or the parts of their population named in such notice six months after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time, declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories, and the Convention shall cease to apply to the territories or to the parts of their population named in such declaration one year after its receipt by the Secretary-General of the League of Nations.

4. Any High Contracting Party may make the reservations provided for in Article 20 in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of these territories, at the time of signature, ratification or accession to the Convention or at the time of making a notification under the second paragraph of this article.

5. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-Member States mentioned in Article 22 all declarations and notices received in virtue of this article.

Article 30.

The present Convention shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

Article 31.

The French and English texts of the present Convention shall both be authoritative.

EN FOI DE QUOI, les Plénipotentiaires susmentionnés ont signé la présente Convention.

FAIT à La Haye, le douze avril mil neuf cent trente, en un seul exemplaire qui sera déposé dans les archives du Secrétariat de la Société des Nations. Une copie certifiée conforme sera transmise par les soins du Secrétaire général à tous les Membres de la Société des Nations et à tous les États non Membres invités à la première Conférence pour la Codification du Droit international.

IN FAITH WHEREOF the Plenipotentiaries have signed the present Convention.

DONE at The Hague on the twelfth day of April, one thousand nine hundred and thirty, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations and of which certified true copies shall be transmitted by the Secretary-General to all the Members of the League of Nations and all the non-Member States invited to the First Conference for the Codification of International Law.

ALLEMAGNE — GERMANY

GÖPPERT
HERING

AUTRICHE — AUSTRIA

LEITMAIER

BELGIQUE — BELGIUM

J. DE RUELLE

Sous réserve d'adhésion ultérieure pour la Colonie du Congo et les Territoires sous mandat.[1]

GRANDE-BRETAGNE ET IRLANDE DU NORD, ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations.

GREAT BRITAIN AND NORTHERN IRELAND and all Parts of the British Empire which are not separate Members of the League of Nations.

Maurice GWYER
Oscar F. DOWSON

[*Translation by the Secretariat of the League of Nations.*]

[1] Subject to accession later for the colony of the Congo and the mandated territories.

AUSTRALIE — AUSTRALIA

Maurice GWYER
Oscar F. DOWSON

UNION SUD-AFRICAINE — UNION OF SOUTH AFRICA

Charles W. H. LANSDOWN

ÉTAT LIBRE D'IRLANDE — IRISH FREE STATE

John J. HEARNE

INDE — INDIA

In accordance with the provisions of Article 29 of this Convention I declare that His Britannic Majesty does not assume any obligation in respect of the territories in India of any Prince or Chief under His Suzerainty or the population of the said territories. [1]

Basanta Kumar MULLICK

CHILI — CHILE

Miguel CRUCHAGA
Alejandro ALVAREZ
H. MARCHANT

COLOMBIE — COLOMBIA

A. J. RESTREPO
Francisco José URRUTIA

Sous réserve de l'article 10. [2]

CUBA — CUBA

Ad referendum.

Sous réserve des articles 9, 10, 11. [3]

DIAZ DE VILLAR
Carlos DE ARMENTEROS

DANEMARK — DENMARK

Sous réserve des articles 5 et 11. [4]

MARTENSEN-LARSEN
V. LORCK

[*Traduction du Secrétariat de la Société des Nations.*]

[1] Conformément aux dispositions de l'article 29 de la Convention, je déclare que Sa Majesté britannique n'assume aucune obligation en ce qui concerne les territoires de l'Inde appartenant à un prince ou chef placé sous sa suzeraineté ou en ce qui concerne la population desdits territoires.

[*Translation by the Secretariat of the League of Nations.*]

[2] Subject to reservation as regards Article 10.

[3] *Ad referendum* subject to reservation as regards Articles 9, 10 and 11.

[4] Subject to reservation as regards Articles 5 and 11.

VILLE LIBRE DE DANTZIG	Stefan Sieczkowski.	FREE CITY OF DANZIG
ÉGYPTE	A. Badaoui M. Sid Ahmed	EGYPT
ESPAGNE	A. Goicoechea	SPAIN
ESTONIE	A. Piip Al. Warma.	ESTONIA
FRANCE	Paul Matter A. Kammerer	FRANCE
GRÈCE	*Ad referendum.* Megalos Caloyanni Jean Spiropoulos	GREECE
ISLANDE	*Ad referendum.* Sveinn Bjørnsson	ICELAND
ITALIE	Amedeo Giannini	ITALY
LETTONIE	Charles Duzmans Robert Akmentin	LATVIA
LUXEMBOURG	Conrad Stumper	LUXEMBURG

MEXIQUE — MEXICO

Sous réserve de l'alinéa 2 de l'article 1.[1]
Eduardo SUAREZ

PAYS-BAS — NETHERLANDS

Les Pays-Bas :

1° Excluent de leur acceptation les articles 8, 9 et 10 ;
2° N'entendent assumer aucune obligation en ce qui concerne les Indes néerlandaises, le Surinam et Curaçao.[2]

v. EYSINGA
J. KOSTERS.

PÉROU — PERU

Sous réserve de l'article quatre.[3]
M. H. CORNEJO.

POLOGNE — POLAND

Stefan SIECZKOWSKI.
S. RUNDSTEIN
J. MAKOWSKI

PORTUGAL — PORTUGAL

José CAEIRO DA MATTA
José Maria VILHENA BARBOSA DE MAGALHAES
Prof. Doutor J. LOBO D'AVILA LIMA

SALVADOR — SALVADOR

J. Gustavo GUERRERO

SUISSE — SWITZERLAND

Sous réserve de l'article 10[4].
V. MERZ
Paul DINICHERT

TCHÉCOSLOVAQUIE — CZECHOSLOVAKIA

Miroslav PLEŠINGER-BOŽINOV
Dr. VÁCLAV JOACHIM

URUGUAY — URUGUAY

E. E. BUERO

[*Translation by the Secretariat of the League of Nations.*]

[1] Subject to reservation as regards paragraph 2 of Article 1.

[2] The Netherlands :
(1) Exclude from acceptance Articles 8, 9 and 10.
(2) Do not intend to assume any obligation as regards the Netherlands Indies, Surinam and Curaçao

[3] Subject to reservation as regards Article 4.

[4] Subject to reservation as regards Article 10.

Série de Publications: 1930. V. 4.

N° officiel: C. 225. M. 112. 1930. V.
[Conf. C. D. I. 23.]

ANNEXE 6.

PROTOCOLE RELATIF AUX OBLIGATIONS MILITAIRES DANS CERTAINS CAS DE DOUBLE NATIONALITÉ

Texte adopté par la Conférence le 12 avril 1930.

LES PLÉNIPOTENTIAIRES SOUSSIGNÉS, au nom de leurs Gouvernements respectifs,

Dans le but de régler certaines situations d'individus possédant deux ou plusieurs nationalités en ce qui concerne leurs obligations militaires,

SONT CONVENUS DES DISPOSITIONS SUIVANTES:

Article premier.

L'individu possédant la nationalité de deux ou de plusieurs pays, qui réside habituellement sur le territoire de l'un d'eux et se rattache en fait le plus à ce pays, sera exempté de toutes obligations militaires dans tout autre de ces pays.

Cette dispense pourra entraîner la perte de la nationalité de tout autre de ces pays.

Article 2.

Sous réserve des dispositions de l'article premier du présent Protocole, si un individu possède la nationalité de deux ou plusieurs États et a, aux termes de la législation de l'un d'eux, le droit, au moment où il atteint sa majorité, de répudier ou de refuser la nationalité dudit État, il sera, pendant sa minorité, exempté de service militaire dans cet État.

Article 3.

L'individu qui a perdu la nationalité d'un État d'après la loi de cet État et a acquis une autre nationalité, sera exempté d'obligations militaires dans le pays dont il a perdu la nationalité.

Article 4.

Les Hautes Parties Contractantes conviennent d'appliquer, dans leurs relations mutuelles, à partir de la mise en vigueur du présent Protocole, les principes et règles insérés aux articles ci-dessus.

L'insertion de ces principes et règles ne préjuge en rien la question de savoir si lesdits principes et règles font ou non partie actuellement du droit international.

Il est en outre entendu qu'en ce qui concerne tout point qui ne fait pas l'objet d'une des dispositions ci-dessus, les principes et règles du droit international demeurent en vigueur.

Article 5.

Rien dans le présent Protocole ne portera atteinte aux dispositions des traités, conventions ou accords en vigueur entre les Hautes Parties Contractantes relatifs à la nationalité ou à des questions s'y rattachant.

Article 6.

En signant ou ratifiant le présent Protocole ou en y adhérant, chacune des Hautes Parties Contractantes pourra exclure de son acceptation telle ou telle des dispositions des articles 1 à 3 et 7 au moyen de réserves expresses.

Les dispositions ainsi exclues ne pourront être opposées à la Partie Contractante ayant formulé de telles réserves ni invoquées par elle contre une autre Partie Contractante.

Series of Publications: 1930. V. 4.

Official No.: C. 225. M. 112. 1930. V.
[Conf. C. D. I. 23.]

ANNEX 6.

PROTOCOL RELATING TO MILITARY OBLIGATIONS IN CERTAIN CASES OF DOUBLE NATIONALITY.

Text adopted by the Conference on April 12th, 1930.

THE UNDERSIGNED PLENIPOTENTIARIES, on behalf of their respective Governments,

With a view to determining certain relations of stateless persons to the State whose nationality they last possessed,

HAVE AGREED AS FOLLOWS:

Article 1.

A person possessing two or more nationalities who habitually resides in one of the countries whose nationality he possesses, and who is in fact most closely connected with that country, shall be exempt from all military obligations in the other country or countries.

This exemption may involve the loss of the nationality of the other country or countries.

Article 2.

Without prejudice to the provisions of Article 1 of the present Protocol, if a person possesses the nationality of two or more States and, under the law of any one of such States, has the right, on attaining his majority, to renounce or decline the nationality of that State, he shall be exempt from military service in such State during his minority.

Article 3.

A person who has lost the nationality of a State under the law of that State and has acquired another nationality, shall be exempt from military obligations in the State of which he has lost the nationality.

Article 4.

The High Contracting Parties agree to apply the principles and rules contained in the preceding articles in their relations with each other, as from the date of the entry into force of the present Protocol.

The inclusion of the above-mentioned principles and rules in the said articles shall in no way be deemed to prejudice the question whether they do or do not already form part of international law.

It is understood that, in so far as any point is not covered by any of the provisions of the preceding articles, the existing principles and rules of international law shall remain in force.

Article 5.

Nothing in the present Protocol shall affect the provisions of any treaty, convention or agreement in force between any of the High Contracting Parties relating to nationality or matters connected therewith.

Article 6.

Any High Contracting Party may, when signing or ratifying the present Protocol or acceding thereto, append an express reservation excluding any one or more of the provisions of Articles 1 to 3 and 7.

The provisions thus excluded cannot be applied against the High Contracting Party who has made the reservation nor relied on by that Party against any other High Contracting Party.

Article 7.

S'il s'élève entre les Hautes Parties Contractantes un différend quelconque relatif à l'interprétation ou à l'application du présent Protocole, et si ce différend n'a pu être résolu de façon satisfaisante par voie diplomatique, il sera réglé conformément aux dispositions, en vigueur entre les Parties, concernant le règlement des différends internationaux.

Au cas où de telles dispositions n'existeraient pas entre les Parties au différend, elles le soumettront à une procédure arbitrale ou judiciaire, en se conformant aux lois constitutionnelles de chacune d'elles. A défaut d'accord sur le choix d'un autre tribunal, elles soumettront le différend à la Cour permanente de Justice internationale, si elles sont toutes Parties au Protocole du 16 décembre 1920, relatif à ladite Cour, et, si elles n'y sont pas toutes Parties, à un tribunal d'arbitrage constitué conformément à la Convention de La Haye du 18 octobre 1907, relative au règlement pacifique des conflits internationaux.

Article 8.

Le présent Protocole pourra être signé, jusqu'au 31 décembre 1930, au nom de tout Membre de la Société des Nations ou de tout État non Membre, invité à la première Conférence de Codification ou auquel le Conseil de la Société des Nations aura, à cet effet, communiqué un exemplaire dudit Protocole.

Article 9.

Le présent Protocole sera ratifié et les ratifications seront déposées au Secrétariat de la Société des Nations.

Le Secrétaire général donnera connaissance de chaque dépôt aux Membres de la Société des Nations et aux États non Membres visés à l'article 8, en indiquant la date à laquelle ce dépôt a été effectué.

Article 10.

A partir du 1er janvier 1931, tout Membre de la Société des Nations et tout État non Membre visé à l'article 8, au nom duquel le Protocole n'a pas été signé à cette date, sera admis à y adhérer.

Son adhésion fera l'objet d'un Acte déposé au Secrétariat de la Société des Nations. Le Secrétaire général notifiera chaque adhésion à tous les Membres de la Société des Nations et à tous les États non Membres visés à l'article 8, en indiquant la date à laquelle l'Acte d'adhésion a été déposé.

Article 11.

Un procès-verbal sera dressé par le Secrétaire général de la Société des Nations dès que des ratifications ou des adhésions auront été déposées au nom de dix Membres de la Société des Nations ou États non Membres.

Une copie certifiée conforme de ce procès-verbal sera remise à chacun des Membres de la Société des Nations et à tout État non Membre visés à l'article 8, par les soins du Secrétaire général de la Société des Nations.

Article 12.

Le présent Protocole entrera en vigueur le 90me jour après la date du procès-verbal visé à l'article 11 à l'égard des Membres de la Société des Nations et des États non Membres au nom desquels des ratifications ou adhésions auront été déposées à la suite de ce procès-verbal.

A l'égard de chacun des Membres ou États non Membres au nom desquels des ratifications ou des adhésions seront ultérieurement déposées, le Protocole entrera en vigueur le 90me jour après la date du dépôt de sa ratification ou de son adhésion.

Article 7.

If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Protocol 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 Protocol 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.

Article 8.

The present Protocol shall remain open until the 31st December, 1930, for signature on behalf of any Member of the League of Nations or of any non-Member State invited to the First Codification Conference or to which the Council of the League of Nations has communicated a copy of the Protocol for this purpose.

Article 9.

The present Protocol is subject to ratification. Ratifications shall be deposited with the Secretariat of the League of Nations.

The Secretary-General shall give notice of the deposit of each ratification to the Members of the League of Nations and to the non-Member States mentioned in Article 8, indicating the date of its deposit.

Article 10.

As from January 1st, 1931, any Member of the League of Nations and any non-Member State mentioned in Article 8 on whose behalf the Protocol has not been signed before that date, may accede thereto.

Accession shall be effected by an instrument deposited with the Secretariat of the League of Nations. The Secretary-General of the League of Nations shall give notice of each accession to the Members of the League of Nations and to the non-Member States mentioned in Article 8, indicating the date of the deposit of the instrument.

Article 11.

A procès-verbal shall be drawn up by the Secretary-General of the League of Nations as soon as ratifications or accessions on behalf of ten Members of the League of Nations or non-Member States have been deposited.

A certified copy of this procès-verbal shall be sent by the Secretary-General to each Member of the League of Nations and to each non-Member State mentioned in Article 8.

Article 12.

The present Protocol shall enter into force on the 90th day after the date of the procès-verbal mentioned in Article 11 as regards all Members of the League of Nations or non-Member States on whose behalf ratifications or accessions have been deposited on the date of the procès-verbal.

As regards any Member of the League or non-Member State on whose behalf a ratification or accession is subsequently deposited, the Protocol shall enter into force on the 90th day after the date of the deposit of a ratification or accession on its behalf.

Article 13.

A partir du 1er janvier 1936, tout Membre de la Société des Nations et tout État non Membre à l'égard duquel le présent Protocole est à ce moment en vigueur pourra adresser au Secrétaire général de la Société des Nations une demande tendant à la revision de certaines ou de toutes les dispositions de ce Protocole. Si une telle demande, communiquée aux autres Membres ou États non Membres à l'égard desquels le Protocole est à ce moment en vigueur, est appuyée dans un délai d'un an par au moins neuf d'entre eux, le Conseil de la Société des Nations décidera, après consultation des Membres et des États non Membres visés à l'article 8, s'il y a lieu de convoquer une conférence spéciale à cet effet, ou de mettre cette revision à l'ordre du jour d'une prochaine conférence pour la codification du droit international.

Les Hautes Parties Contractantes conviennent qu'en cas de revision du présent Protocole, l'Accord nouveau pourra prévoir que son entrée en vigueur entraînera l'abrogation à l'égard de toutes les Parties au présent Protocole de toutes les dispositions de celui-ci ou de certaines d'entre elles.

Article 14.

Le présent Protocole peut être dénoncé.

Cette dénonciation sera notifiée par écrit au Secrétaire général de la Société des Nations, qui en donnera connaissance à tous les Membres et aux États non Membres visés à l'article 8.

Cette dénonciation ne produira effet qu'à l'égard du Membre ou de l'État non Membre qui l'aura notifiée et un an après la date à laquelle cette notification aura été reçue par le Secrétaire général.

Article 15.

1. Chacune des Hautes Parties Contractantes peut déclarer, au moment de la signature, de la ratification ou de l'adhésion que, par son acceptation du présent Protocole, Elle n'entend assumer aucune obligation en ce qui concerne l'ensemble ou toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat, ou encore en ce qui concerne certaines de leurs populations ; dans ce cas, le présent Protocole ne sera pas applicable aux territoires ou populations faisant l'objet d'une telle déclaration.

2. Chacune des Hautes Parties Contractantes pourra ultérieurement notifier au Secrétaire général de la Société des Nations qu'Elle entend rendre le présent Protocole applicable à l'ensemble ou à toute partie de ses territoires ou de leurs populations ayant fait l'objet de la déclaration prévue au paragraphe précédent. Dans ce cas, le Protocole s'appliquera aux territoires ou aux populations visés dans la notification six mois après la réception de cette notification par le Secrétaire général de la Société des Nations.

3. De même, chacune des Hautes Parties Contractantes peut, à tout moment, déclarer qu'Elle entend voir cesser l'application du présent Protocole à l'ensemble ou à toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat, ou encore en ce qui concerne certaines de leurs populations ; dans ce cas, le Protocole cessera d'être applicable aux territoires ou populations faisant l'objet d'une telle déclaration un an après la réception de cette déclaration par le Secrétaire général de la Société des Nations.

4. Chacune des Hautes Parties Contractantes peut faire des réserves conformément à l'article 6 du présent Protocole en ce qui concerne l'ensemble ou toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat, ou en ce qui concerne certaines de leurs populations, au moment de la signature, de la ratification ou de l'adhésion, ou au moment de la notification prévue au paragraphe 2 du présent article.

5. Le Secrétaire général de la Société des Nations communiquera à tous les Membres de la Société des Nations et aux États non Membres visés à l'article 8 les déclarations et notifications reçues en vertu du présent article.

Article 16.

Le présent Protocole sera enregistré par les soins du Secrétaire général de la Société des Nations, dès sa mise en vigueur.

Article 17.

Les textes français et anglais du présent Protocole font également foi.

Article 13.

As from January 1st, 1936, any Member of the League of Nations or any non-Member State in regard to which the present Protocol is then in force, may address to the Secretary-General of the League of Nations a request for the revision of any or all of the provisions of this Protocol. If such a request, after being communicated to the other Members of the League and non-Member States in regard to which the Protocol is then in force, is supported within one year by at least nine of them, the Council of the League of Nations shall decide, after consultation with the Members of the League of Nations and the non-Member States mentioned in Article 8, whether a conference should be specially convoked for that purpose or whether such revision should be considered at the next conference for the codification of international law.

The High Contracting Parties agree that, if the present Protocol is revised, the new Agreement may provide that upon its entry into force some or all of the provisions of the present Protocol shall be abrogated in respect of all of the Parties to the present Protocol.

Article 14.

The present Protocol may be denounced.

Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all Members of the League of Nations and the non-Member States mentioned in Article 8.

Each denunciation shall take effect one year after the receipt by the Secretary-General of the notification but only as regards the Member of the League or non-Member State on whose behalf it has been notified.

Article 15.

1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Protocol, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories; and the present Protocol shall not apply to any territories or to the parts of their population named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Protocol shall apply to all or any of his territories or to the parts of their population which have been made the subject of a declaration under the preceding paragraph, and the Protocol shall apply to all the territories or the parts of their population named in such notice six months after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time, declare that he desires that the present Protocol shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories, and the Protocol shall cease to apply to the territories or to the parts of their population named in such declaration one year after its receipt by the Secretary-General of the League of Nations.

4. Any High Contracting Party may make the reservations provided for in Article 6 in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of these territories, at the time of signature, ratification or accession to the Protocol or at the time of making a notification under the second paragraph of this article.

5. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-Member States mentioned in Article 8 all declarations and notices received in virtue of this article.

Article 16.

The present Protocol shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

Article 17.

The French and English texts of the present Protocol shall both be authoritative.

EN FOI DE QUOI, les Plénipotentiaires ont signé le présent Protocole.

FAIT à La Haye, le douze avril mil neuf cent trente, en un seul exemplaire qui sera déposé dans les archives du Secrétariat de la Société des Nations. Une copie certifiée conforme sera transmise par les soins du Secrétaire général à tous les Membres de la Société des Nations et à tous les États non Membres invités à la première Conférence pour la Codification du Droit international.

IN FAITH WHEREOF the Plenipotentiaries have signed the present Protocol.

DONE at The Hague on the twelfth day of April, one thousand nine hundred and thirty, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations and of which certified true copies shall be transmitted by the Secretary-General to all the Members of the League of Nations and all the non-Member States invited to the First Conference for the Codification of International Law.

ALLEMAGNE — GERMANY

GÖPPERT
HERING

AUTRICHE — AUSTRIA

LEITMAIER

BELGIQUE — BELGIUM

J. DE RUELLE

Sous réserve d'adhésion ultérieure pour la Colonie du Congo et les Territoires sous mandat. [1]

GRANDE-BRETAGNE ET IRLANDE DU NORD, ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations.

GREAT BRITAIN AND NORTHERN IRELAND and all parts of the British Empire which are not separate Members of the League of Nations.

Maurice GWYER
Oscar F. DOWSON

[*Translation by the Secretariat of the League of Nations.*]

[1] Subject to accession later for the Colony of the Congo and the mandated territories.

ÉTAT LIBRE D'IRLANDE — IRISH FREE STATE

John J. HEARNE

INDE — INDIA

In accordance with the provisions of Article 15 of this Protocol I declare that His Britannic Majesty does not assume any obligation in respect of the territories in India of any Prince or Chief under His suzerainty or the population of the said territories. [1]

Basanta Kumar MULLICK

CHILI — CHILE

Miguel CRUCHAGA
Alejandro ALVAREZ
H. MARCHANT

COLOMBIE — COLOMBIA

A. J. RESTREPO — Francisco José URRUTIA

CUBA — CUBA

Ad referendum.
DIAZ DE VILLAR
Carlos DE ARMENTEROS

DANEMARK — DENMARK

F. MARTENSEN-LARSEN — V. LORCK.

[*Traduction du Secrétariat de la Société des Nations.*]

[1] Conformément aux dispositions de l'article 15 de ce Protocole, je déclare que Sa Majesté Britannique n'assume aucune obligation en ce qui concerne les territoires de l'Inde appartenant à un prince ou chef placé sous sa suzeraineté ou en ce qui concerne la population desdits territoires.

ÉGYPTE / EGYPT

A. BADAOUI
M. SID AHMED

ESPAGNE / SPAIN

A. GOICOECHEA

FRANCE / FRANCE

Paul MATTER
A. KAMMERER

GRÈCE / GREECE

Ad referendum
Megalos CALOYANNI
Jean SPIROPOULOS

LUXEMBOURG / LUXEMBURG

Conrad STUMPER

MEXIQUE / MEXICO

Eduardo SUAREZ

PAYS-BAS / THE NETHERLANDS

Les Pays-Bas :

1° Excluent de leur acceptation l'article 3 ;
2° N'entendent assumer aucune obligation en ce qui concerne les Indes néerlandaises, le Surinam et Curaçao. [1]

V. EYSINGA
J. KOSTERS.

PÉROU / PERU

M. H. CORNEJO

[*Translation by the Secretariat of the League of Nations.*]

[1] The Netherlands :

1. Exclude from acceptance Article 3 ;
2. Do not intend to assume any obligation as regards Netherlands Indies, Surinam and Curaçao.

PORTUGAL

José Caeiro da Matta
José Maria Vilhena Barbosa de Magalhaes.
Prof. Doutor J. Lobo d'Avila Lima

PORTUGAL

SALVADOR

J. Gustavo Guerrero

SALVADOR

URUGUAY

E. E. Buero

URUGUAY

Série de Publications: 1930. V. 5.

N° officiel: C. 226. M 113. 1930. V.
[Conf. C. D. I. 24.]

ANNEXE 7.

PROTOCOLE RELATIF A UN CAS D'APATRIDIE

Texte adopté par la Conférence le 12 avril 1930.

LES PLÉNIPOTENTIAIRES SOUSSIGNÉS, au nom de leurs Gouvernements respectifs,

Dans le but d'empêcher l'apatridie dans un cas particulier,

SONT CONVENUS DES DISPOSITIONS SUIVANTES:

Article premier.

Dans un État où la nationalité n'est pas attribuée du seul fait de la naissance sur le territoire, l'individu qui y est né d'une mère ayant la nationalité de cet État et d'un père sans nationalité ou de nationalité inconnue, a la nationalité dudit pays.

Article 2.

Les Hautes Parties Contractantes conviennent d'appliquer, dans leurs relations mutuelles, à partir de la mise en vigueur du présent Protocole, les principes et règles insérés à l'article ci-dessus.

L'insertion de ces principes et règles ne préjuge en rien la question de savoir si lesdits principes et règles font ou non partie actuellement du droit international.

Il est en outre entendu qu'en ce qui concerne tout point qui ne fait pas l'objet d'une des dispositions de l'article ci-dessus, les principes et règles du droit international demeurent en vigueur.

Article 3.

Rien dans le présent Protocole ne portera atteinte aux dispositions des traités, conventions ou accords en vigueur entre les Hautes Parties Contractantes relatifs à la nationalité ou à des questions s'y rattachant.

Article 4.

En signant ou ratifiant le présent Protocole ou en y adhérant, chacune des Hautes Parties Contractantes pourra exclure de son acceptation telle ou telle des dispositions des articles 1 et 5 au moyen de réserves expresses.

Les dispositions ainsi exclues ne pourront être opposées à la Partie Contractante ayant formulé de telles réserves ni invoquées par elle contre une autre Partie Contractante.

Article 5.

S'il s'élève entre les Hautes Parties Contractantes un différend quelconque relatif à l'interprétation ou à l'application du présent Protocole, et si ce différend n'a pu être résolu de façon satisfaisante par voie diplomatique, il sera réglé conformément aux dispositions, en vigueur entre les Parties, concernant le règlement des différends internationaux.

Au cas où de telles dispositions n'existeraient pas entre les Parties au différend, elles le soumettront à une procédure arbitrale ou judiciaire, en se conformant aux lois constitutionnelles de chacune d'elles. A défaut d'accord sur le choix d'un autre tribunal, elles soumettront le différend à la Cour permanente de Justice internationale, si elles sont toutes Parties au Protocole du 16 décembre 1920, relatif à ladite Cour, et, si elles n'y sont pas toutes Parties, à un tribunal d'arbitrage constitué conformément à la Convention de La Haye du 18 octobre 1907, relative au règlement pacifique des conflits internationaux.

Series of Publications: 1930. V. 5.

Official No.: C. 226. M. 113. 1930. V.
[Conf. C. D. I. 24.]

ANNEX 7.

PROTOCOL RELATING TO A CERTAIN CASE OF STATELESSNESS.

Text adopted by the Conference on April 12th, 1930.

THE UNDERSIGNED PLENIPOTENTIARIES, on behalf of their respective Governments,

With a view to preventing statelessness arising in certain circumstances,

HAVE AGREED AS FOLLOWS:

Article 1.

In a State whose nationality is not conferred by the mere fact of birth in its territory, a person born in its territory of a mother possessing the nationality of that State and of a father without nationality or of unknown nationality shall have the nationality of the said State.

Article 2.

The High Contracting Parties agree to apply the principles and rules contained in the preceding article in their relations with each other, as from the date of the entry into force of the present Protocol.

The inclusion of the above-mentioned principles and rules in the said article shall in no way be deemed to prejudice the question whether they do or do not already form part of international law.

Its understood that, in so far as any point is not covered by any of the provisions of the preceding article, the existing principles and rules of international law shall remain in force.

Article 3.

Nothing in the present Protocol shall affect the provisions of any treaty, convention or agreement in force between any of the High Contracting Parties relating to nationality or matters connected therewith.

Article 4.

Any High Contracting Party may, when signing or ratifying the present Protocol or acceding thereto, append an express reservation excluding any one or more of the provisions of Articles 1 and 5.

The provisions thus excluded cannot be applied against the High Contracting Party who has made the reservation nor relied on by that Party against any other High Contracting Party.

Article 5.

If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Protocol 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 Protocol 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.

Article 6.

Le présent Protocole pourra être signé, jusqu'au 31 décembre 1930, au nom de tout Membre de la Société des Nations ou de tout État non Membre, invité à la première Conférence de Codification ou auquel le Conseil de la Société des Nations aura, à cet effet, communiqué un exemplaire dudit Protocole.

Article 7.

Le présent Protocole sera ratifié et les ratifications seront déposées au Secrétariat de la Société des Nations.

Le Secrétaire général donnera connaissance de chaque dépôt aux Membres de la Société des Nations et aux États non Membres visés à l'article 6, en indiquant la date à laquelle ce dépôt a été effectué.

Article 8.

A partir du 1er janvier 1931, tout Membre de la Société des Nations et tout État non Membre visé à l'article 6, au nom duquel le Protocole n'a pas été signé à cette date, sera admis à y adhérer.

Son adhésion fera l'objet d'un Acte déposé au Secrétariat de la Société des Nations. Le Secrétaire général notifiera chaque adhésion à tous les Membres de la Société des Nations et à tous les États non Membres visés à l'article 6, en indiquant la date à laquelle l'Acte d'adhésion a été déposé.

Article 9.

Un procès-verbal sera dressé par le Secrétaire général de la Société des Nations dès que des ratifications ou des adhésions auront été déposés au nom de dix Membres de la Société des Nations ou États non Membres.

Une copie certifiée conforme de ces procès-verbal sera remise à chacun des Membres de la Société des Nations et à tout État non Membre visés à l'article 6, par les soins du Secrétaire général de la Société des Nations.

Article 10.

Le présent Protocole entrera en vigueur le 90me jour après la date du procès-verbal visé à l'article 9 à l'égard des Membres de la Société des Nations et des États non Membres au nom desquels des ratifications ou adhésions auront été déposées à la suite de ce procès-verbal.

A l'égard de chacun des Membres ou États non Membres au nom desquels des ratifications ou des adhésions seront ultérieurement déposées, le Protocole entrera en vigueur le 90me jour après la date du dépôt de sa ratification ou de son adhésion.

Article 11.

A partir du 1er janvier 1936, tout Membre de la Société des Nations et tout État non Membre à l'égard duquel le présent Protocole est à ce moment en vigueur pourra adresser au Secrétaire général de la Société des Nations une demande tendant à la revision de certaines ou de toutes les dispositions de ce Protocole. Si une telle demande, communiquée aux autres Membres ou États non Membres à l'égard desquels le Protocole est à ce moment en vigueur, est appuyée dans un délai d'un an par au moins neuf d'entre eux, le Conseil de la Société des Nations décidera, après consultation des Membres et des États non Membres visés à l'article 6, s'il y a lieu de convoquer une conférence spéciale à cet effet, ou de mettre cette revision à l'ordre du jour d'une prochaine conférence pour la codification du droit international.

Les Hautes Parties Contractantes conviennent qn'en cas de revision du présent Protocole, i'Accord nouveau pourra prévoir que son entrée en vigueur entraînera l'abrogation à l'égard de toutes les Parties au présent Protocole de toutes les dispositions de celui-ci ou de certaines d'entre elles.

Article 12.

Le présent Protocole peut être dénoncé.

Cette dénonciation sera notifiée par écrit au Secrétaire général de la Société des Nations qui en donnera connaissance à tous les Membres et aux États non Membres visés à l'article 6.

Cette dénonciation ne produira effet qu'à l'égard du Membre ou de l'État non Membre qui l'aura notifiée et un an après la date à laquelle cette notification aura été reçue par le Secrétaire général.

Article 6.

The present Protocol shall remain open until the 31st December, 1930, for signature on behalf of any Member of the League of Nations or of any non-Member State invited to the First Codification Conference or to which the Council of the League of Nations has communicated a copy of the Protocol for this purpose.

Article 7.

The present Protocol is subject to ratification. Ratifications shall be deposited with the Secretariat of the League of Nations.

The Secretary-General shall give notice of the deposit of each ratification to the Members of the League of Nations and to the non-Member States mentioned in Article 6, indicating the date of its deposit.

Article 8.

As from January 1st, 1931, any Member of the League of Nations and any non-Member State mentioned in Article 6 on whose behalf the Protocol has not been signed before that date, may accede thereto.

Accession shall be effected by an instrument deposited with the Secretariat of the League of Nations. The Secretary-General of the League of Nations shall give notice of each accession to the Members of the League of Nations and to the non-Member States mentioned in Article 6, indicating the date of the deposit of the instrument.

Article 9.

A procès-verbal shall be drawn up by the Secretary-General of the League of Nations as soon as ratifications or accessions on behalf of ten Members of the League of Nations or non-Member States have been deposited.

A certified copy of this procès-verbal shall be sent by the Secretary-General to each Member of the League of Nations and to each non-Member State mentioned in Article 6.

Article 10.

The present Protocol shall enter into force on the 90th day after the date of the procès-verbal mentioned in Article 9 as regards all Members of the League of Nations or non-Member States on whose behalf ratifications or accessions have been deposited on the date of the procès-verbal.

As regards any Member of the League or non-Member State on whose behalf a ratification or accession is subsequently deposited, the Protocol shall enter into force on the 90th day after the date of the deposit of a ratification or accession on its behalf.

Article 11.

As from January 1st, 1936, any Member of the League of Nations or any non-Member State in regard to which the present Protocol is then in force, may address to the Secretary-General of the League of Nations a request for the revision of any or all of the provisions of this Protocol. If such a request, after being communicated to the other Members of the League and non-Member States in regard to which the Protocol is then in force, is supported within one year by at least nine of them, the Council of the League of Nations shall decide, after consultation with the Members of the League of Nations and the non-Member States mentioned in Article 6, whether a conference should be specially convoked for that purpose or whether such revision should be considered at the next conference for the codification of international law.

The High Contracting Parties agree that, if the present Protocol is revised, the new Agreement may provide that upon its entry into force some or all of the provisions of the present Protocol shall be abrogated in respect of all of the Parties to the present Protocol.

Article 12.

The present Protocol may be denounced.

Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all Members of the League of Nations and the non-Member States mentioned in Article 6.

Each denunciation shall take effect one year after the receipt by the Secretary-General of the notification but only as regards the Member of the League or non-Member State on whose behalf it has been notified.

Article 13.

1. Chacune des Hautes Parties Contractantes peut déclarer, au moment de la signature, de la ratification ou de l'adhésion que, par son acceptation du présent Protocole, Elle n'entend assumer aucune obligation en ce qui concerne l'ensemble ou toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat, ou encore en ce qui concerne certaines de leurs populations ; dans ce cas, le présent Protocole ne sera pas applicable aux territoires ou populations faisant l'objet d'une telle déclaration.

2. Chacune des Hautes Parties Contractantes pourra ultérieurement notifier au Secrétaire général de la Société des Nations qu'Elle entend rendre le présent Protocole applicable à l'ensemble ou à toute partie de ses territoires ou de leurs populations ayant fait l'objet de la déclaration prévue au paragraphe précédent. Dans ce cas, le Protocole s'appliquera aux territoires ou aux populations visés dans la notification six mois après la réception de cette notification par le Secrétaire général de la Société des Nations.

3. De même, chacune des Hautes Parties Contractantes peut, à tout moment, déclarer qu'Elle entend voir cesser l'application du présent Protocole à l'ensemble ou à toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat, ou encore en ce qui concerne certaines de leurs populations ; dans ce cas, le Protocole cessera d'être applicable aux territoires ou populations faisant l'objet d'une telle déclaration un an après la réception de cette déclaration par le Secrétaire général de la Société des Nations.

4. Chacune des Hautes Parties Contractantes peut faire des réserves conformément à l'article 4 du Présent Protocole en ce qui concerne l'ensemble ou toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat, ou en ce qui concerne certaines de leurs populations, au moment de la signature, de la ratification ou de l'adhésion, ou au moment de la notification prévue au paragraphe 2 du présent article.

5. Le Secrétaire général de la Société des Nations communiquera à tous les Membres de la Société des Nations et aux États non Membres visés à l'article 6 les déclarations et notifications reçues en vertu du présent article.

Article 14.

Le présent Protocole sera enregistré par les soins du Secrétaire général de la Société des Nations, dès sa mise en vigueur.

Article 15.

Les textes français et anglais du présent Protocole font également foi.

Article 13.

1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Protocol, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories; and the present Protocol shall not apply to any territories or to the parts of their population named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Protocol shall apply to all or any of his territories or to the parts of their population which have been made the subject of a declaration under the preceding paragraph, and the Protocol shall apply to all the territories or the parts of their population named in such notice six months after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time, declare that he desires that the present Protocol shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories, and the Protocol shall cease to apply to the territories or to the parts of their population named in such declaration one year after its receipt by the Secretary-General of the League of Nations.

4. Any High Contracting Party may make the reservations provided for in Article 4 in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of these territories, at the time of signature, ratification or accession to the Protocol or at the time of making a notification under the second paragraph of this article.

5. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-Member States mentioned in Article 6 all declarations and notices received in virtue of this article.

Article 14.

The present Protocol shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

Article 15.

The French and English texts of the present Protocol shall both be authoritative.

EN FOI DE QUOI, les Plénipotentiaires ont signé le présent Protocole.

FAIT à La Haye, le douze avril mil neuf cent trente, en un seul exemplaire qui sera déposé dans les archives du Secrétariat de la Société des Nations. Une copie certifiée conforme sera transmise par les soins du Secrétaire général à tous les Membres de la Société des Nations et à tous les États non Membres invités à la première Conférence pour la Codification du Droit international.

IN FAITH WHEREOF the Plenipotentiaries have signed the present Protocol.

DONE at The Hague on the twelfth day of April, one thousand nine hundred and thirty, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations and of which certified true copies shall be transmitted by the Secretary-General to all the Members of the League of Nations and all the non-Member States invited to the First Conference for the Codification of International Law.

BELGIQUE

J. DE RUELLE

Sous réserve d'adhésion ultérieure pour la Colonie du Congo et les Territoires sous mandat.[1]

BELGIUM

GRANDE-BRETAGNE ET IRLANDE DU NORD, ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations.

GREAT BRITAIN AND NORTHERN IRELAND and all parts of the British Empire which are not separate Members of the League of Nations.

Maurice GWYER
Oscar F. DOWSON

AUSTRALIE

Maurice GWYER
Oscar F. DOWSON

AUSTRALIA

UNION SUD-AFRICAINE

Charles W. H. LANSDOWN

UNION OF SOUTH AFRICA

ÉTAT LIBRE D'IRLANDE

John J. HEARNE.

IRISH FREE STATE

[*Translation by the Secretariat of the League of Nations.*]

[1] Subject to accession later for the colony of the Congo and the mandated territories.

INDE

In accordance with the provisions of Article 13 of this Protocol, I declare that His Britannic Majesty does not assume any obligation in respect of the territories in India of any Prince or Chief under His suzerainty or the population of the said territories. [1]

Basanta Kumar MULLICK

INDIA

CHILI

Miguel CRUCHAGA
Alejandro ALVAREZ
H. MARCHANT

CHILE

COLOMBIE

A. J. RESTREPO Francisco José URRUTIA

COLOMBIA

CUBA

Ad referendum.
DIAZ DE VILLAR
Carlos DE ARMENTEROS

CUBA

DANEMARK

Ad referendum.
F. MARTENSEN-LARSEN
V. LORCK

DENMARK

VILLE LIBRE DE DANTZIG

Stefan SIECZKOWSKI.

FREE CITY OF DANZIG

[*Traduction du Secrétariat de la Société des Nations :*]

[1] Conformément aux dispositions de l'article 13 de ce Protocole, je déclare que Sa Majesté britannique n'assume aucune obligation en ce qui concerne les territoires de l'Inde appartenant à un Prince ou Chef placé sous sa suzeraineté ou en ce qui concerne la population desdits territoires.

ÉGYPTE	A. Badaoui M. Sid Ahmed	EGYPT
ESPAGNE	A. Goicoechea	SPAIN
ESTONIE	A. Piip Al. Warma.	ESTONIA
FRANCE	Paul Matter A. Kammerer	FRANCE
GRÈCE	*Ad referendum.* Megalos Caloyanni Jean Spiropoulos	GREECE
LETTONIE	Charles Duzmans Robert Akmentin	LATVIA
LUXEMBOURG	Conrad Stumper	LUXEMBURG
MEXIQUE	Eduardo Suarez	MEXICO

PAYS-BAS

THE NETHERLANDS

Les Pays-Bas n'entendent assumer aucune obligation en ce qui concerne les Indes néerlandaises, le Surinam et Curaçao. [1]

v. EYSINGA
J. KOSTERS.

PÉROU

PERU

M. H. CORNEJO.

POLOGNE

POLAND

Stefan SIECZKOWSKI.
S. RUNDSTEIN
J. MAKOWSKI

PORTUGAL

PORTUGAL

José CAEIRO DA MATTA
José Maria VILHENA BARBOSA DE MAGALHAES.
Prof. Doutor LOBO D'AVILA LIMA

TCHÉCOSLOVAQUIE

CZECHOSLOVAKIA

Miroslav PLEŠINGER-BOŽINOV
Dr VÀCLAV JOACHIM

URUGUAY

URUGUAY

E. E. BUERO

[*Translation by the Secretariat of the League of Nations.*]

[1] The Netherlands do not intend to assume any obligation as regards the Netherlands Indies, Surinam and Curaçao.

Série de Publications: 1930. V. 6.

N° officiel: C. 227. M. 114. 1930. V.
[Conf. C. D. I. 25.]

ANNEXE 8.

PROTOCOLE SPÉCIAL RELATIF A L'APATRIDIE

Texte adopté par la Conférence le 12 avril 1930.

LES PLÉNIPOTENTIAIRES, SOUSSIGNÉS, au nom de leurs Gouvernement respectifs,

Dans le but de régler certains rapports des apatrides avec l'Etat dont ils ont eu en dernier lieu la nationalité.

SONT CONVENUS DES DISPOSITIONS SUIVANTES:

Article premier.

Si un individu, après être entré en pays étranger, a perdu sa nationalité sans en acquérir une autre, l'État dont il possédait en dernier lieu la nationalité est tenu de le recevoir, à la demande du pays de séjour,

1) si cet individu est dans un état d'indigence permanent par suite d'une maladie incurable ou pour toute autre cause ; ou

2) si cet individu a subi, dans le pays de séjour, une condamnation à une peine d'au moins un mois d'emprisonnement, qu'il a accomplie ou dont il a obtenu remise totale ou partielle.

Dans le premier cas, l'État dont cet individu possédait en dernier lieu la nationalité pourra refuser de le recevoir en s'engageant à pourvoir aux frais d'assistance dans le pays de séjour à partir du trentième jour à compter de la demande. Dans le second cas, les frais de transport seront à la charge du pays qui formule la demande de renvoi.

Article 2.

Les Hautes Parties Contractantes conviennent d'appliquer, dans leurs relations mutuelles, à partir de la mise en vigueur du présent Protocole, les principes et règles insérés à l'article ci-dessus.

L'insertion de ces principes et règles ne préjuge en rien la question de savoir si lesdits principes et règles font ou non partie actuellement du droit international.

Il est en outre entendu qu'en ce qui concerne tout point qui ne fait pas l'objet d'une des dispositions de l'article ci-dessus, les principes et règles du droit international demeurent en vigueur.

Article 3.

Rien dans le présent Protocole ne portera atteinte aux dispositions des traités, conventions ou accords en vigueur entre les Hautes Parties Contractantes relatifs à la nationalité ou à des questions s'y rattachant.

Article 4.

En signant ou ratifiant le présent Protocole ou en y adhérant, chacune des Hautes Parties Contractantes pourra exclure de son acceptation telle ou telle des dispositions des articles 1 et 5 au moyen de réserves expresses.

Les dispositions ainsi exclues ne pourront être opposées à la Partie Contractante ayant formulé de telles réserves ni invoquées par elle contre une autre Partie Contractante.

Article 5.

S'il s'élève entre les Hautes Parties Contractantes un différend quelconque relatif à l'interprétation ou à l'application du présent Protocole, et si ce différend n'a pu être résolu de façon satisfaisante par voie diplomatique, il sera réglé conformément aux dispositions, en vigueur entre les Parties, concernant le règlement des différends internationaux.

Series of Publications: 1930. V. 6.

Official No.: C. 227. M. 114. 1930. V.
[Conf. C. D. I. 25.]

ANNEX 8.

SPECIAL PROTOCOL CONCERNING STATELESSNESS.

Text adopted by the Conference on April 12th, 1930.

THE UNDERSIGNED PLENIPOTENTIARIES, on behalf of their respective Governments,

With a view to determining certain relations of stateless persons to the State whose nationality they last possessed,

HAVE AGREED AS FOLLOWS:

Article 1.

If a person, after entering a foreign country, loses his nationality without acquiring another nationality, the State whose nationality he last possessed is bound to admit him, at the request of the State in whose territory he is:

(i) if he is permanently indigent either as a result of an incurable disease or for any other reason; or

(ii) if he has been sentenced, in the State where he is, to not less than one month's imprisonment and has either served his sentence or obtained total or partial remission thereof.

In the first case the State whose nationality such person last possessed may refuse to receive him, if it undertakes to meet the cost of relief in the country where he is as from the thirtieth day from the date on which the request was made. In the second case the cost of sending him back shall be borne by the country making the request.

Article 2.

The High Contracting Parties agree to apply the principles and rules contained in the preceding article in their relations with each other, as from the date of the entry into force of the present Protocol.

The inclusion of the above-mentioned principles and rules in the said article shall in no way be deemed to prejudice the question whether they do or do not already form part of international law.

It is understood that, in so far as any point is not covered by any of the provisions of the preceding article, the existing principles and rules of international law shall remain in force.

Article 3.

Nothing in the present Protocol shall affect the provisions of any treaty, convention or agreement in force between any of the High Contracting Parties relating to nationality or matters connected therewith.

Article 4.

Any High Contracting Party may, when signing or ratifying the present Protocol or acceding thereto, append an express reservation excluding any one or more of the provisions of Articles 1 and 5.

The provisions thus excluded cannot be applied against the High Contracting Party who has made the reservation nor relied on by that Party against any other High Contracting Party.

Article 5.

If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Protocol 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.

Au cas où de telles dispositions n'existeraient pas entre les parties au différend, elles le soumettront à une procédure arbitrale ou judiciaire, en se conformant aux lois constitutionnelles de chacune d'elles. A défaut d'accord sur le choix d'un autre tribunal, elles soumettront le différend à la Cour permanente de Justice internationale, si elles sont toutes Parties au Protocole du 16 décembre 1920, relatif à ladite Cour, et, si elles n'y sont pas toutes Parties, à un tribunal d'arbitrage constitué conformément à la Convention de La Haye du 18 octobre 1907, relative au règlement pacifique des conflits internationaux.

Article 6.

Le présent Protocole pourra être signé, jusqu'au 31 décembre 1930, au nom de tout Membre de la Société des Nations ou de tout État non Membre, invité à la première Conférence de Codification ou auquel le Conseil de la Société des Nations aura, à cet effet, communiqué un exemplaire dud.t Protocole.

Article 7.

Le présent Protocole sera ratifié et les ratifications seront déposées au Secrétariat de la Société des Nations.

Le Secrétaire général donnera connaissance de chaque dépôt aux Membres de la Société des Nations et aux États non Membres visés à l'article 6, en indiquant la date à laquelle ce dépôt a été effectué.

Article 8.

A partir du 1er janvier 1931, tout Membre de la Société des Nations et tout État non Membre visé à l'article 6, au nom duquel le Protocole n'a pas été signé à cette date, sera admis à y adhérer.

Son adhésion fera l'objet d'un Acte deposé au Secrétariat de la Société des Nations. Le Secrétaire général notifiera chaque adhésion à tous les Membres de la Société des Nations et à tous les États non Membres visés à l'article 6, en indiquant la date à laquelle l'Acte d'adhésion a été déposé.

Article 9.

Un procès-verbal sera dressé par le Secrétaire général de la Société des Nations dès que des ratifications ou des adhésions auront été déposées au nom de dix Membres de la Société des Nations ou États non Membres.

Une copie certifiée conforme de ce procès-verbal sera remise à chacun des Membres de la Société des Nations et à tout État non Membre visés à l'article 6, par les soins du Secrétaire général de la Société des Nations.

Article 10.

Le présent Protocole entrera en vigueur le 90me jour après la date du procès-verbal visé à l'article 9 à l'égard des Membres de la Société des Nations et des États non Membres au nom desquels des ratifications ou adhésions auront été déposées à la suite de ce procès-verbal.

A l'égard de chacun des Membres ou États non Membres au nom desquels des ratifications ou des adhésions seront ultérieurement déposées, le Protocole entrera en vigueur le 90me jour après la date du dépôt de sa ratification ou de son adhésion.

Article 11.

A partir du 1er janvier 1936, tout Membre de la Société des Nations et tout État non Membre à l'égard duquel le présent Protocole est à ce moment en vigueur pourra adresser au Secrétaire général de la Société des Nations une demande tendant à la revision de certaines ou de toutes les dispositions de ce Protocole. Si une telle demande, communiquée aux autret Membres ou États non Membres à l'égard desquels le Protocole est à cemoment en vigueur, ess appuyée dans un délai d'un an par au moins neuf d'entre eux, le Conseil de la Société des Nations décidera, après consultation des Membres et des États non Membres visés à l'article 6, s'il y a lieu de convoquer une conférence spéciale à cet effet, ou de mettre cette revision à l'ordre du jour d'une prochaine onférence pour la codification du droit international.

Les Hautes Parties Contractantes conviennent qu'en cas de revision du présent Protocole, l'Accord nouveau pourra prévoir que son entrée en vigueur entraînera l'abrogation à l'égard de toutes les Parties au présent Protocole de toutes les dispositions de celui-ci ou de certaines d'entre elles.

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 Protocol 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.

Article 6.

The present Protocol shall remain open until the 31st December, 1930, for signature on behalf of any Member of the League of Nations or of any non-Member State invited to the First Codification Conference or to which the Council of the League of Nations has communicated a copy of the Protocol for this purpose.

Article 7.

The present Protocol is subject to ratification. Ratifications shall be deposited with the Secretariat of the League of Nations.

The Secretary-General shall give notice of the deposit of each ratification to the Members of the League of Nations and to the non-Member States mentioned in Article 6, indicating the date of its deposit.

Article 8.

As from January 1st, 1931, any Member of the League of Nations and any non-Member State mentioned in Article 6 on whose behalf the Protocol has not been signed before that date, may accede thereto.

Accession shall be effected by an instrument deposited with the Secretariat of the League of Nations. The Secretary-General of the League of Nations shall give notice of each accession to the Members of the League of Nations and to the non-Member States mentioned in Article 6, indicating the date of the deposit of the instrument.

Article 9.

A procès-verbal shall be drawn up by the Secretary-General of the League of Nations as soon as ratifications or accessions on behalf of ten Members of the League of Nations or non-Member States have been deposited.

A certified copy of this procès-verbal shall be sent by the Secretary-General to each Member of the League of Nations and to each non-Member State mentioned in Article 6.

Article 10.

The present Protocol shall enter into force on the 90th day after the date of the procès-verbal mentioned in Article 9 as regards all Members of the League of Nations or non-Member States on whose behalf ratifications or accessions have been deposited on the date of the procès-verbal.

As regards any Member of the League or non-Member State on whose behalf a ratification or accession is subsequently deposited, the Protocol shall enter into force on the 90th day after the date of the deposit of a ratification or accession on its behalf.

Article 11.

As from January 1st, 1936, any Member of the League of Nations or any non-Member State in regard to which the present Protocol is then in force, may address to the Secretary-General of the League of Nations a request for the revision of any or all of the provisions of this Protocol. If such a request, after being communicated to the other Members of the League and non-Member States in regard to which the Protocol is then in force, is supported within one year by at least nine of them, the Council of the League of Nations shall decide, after consultation with the Members of the League of Nations and the non-Member States mentioned in Article 6, whether a conference should be specially convoked for that purpose or whether such revision should be considered at the next conference for the codification of international law.

The High Contracting Parties agree that, if the present Protocol is revised, the new Agreement may provide that upon its entry into force some or all of the provisions of the present Protocol shall be abrogated in respect of all of the Parties to the present Protocol.

Article 12.

Le présent Protocole peut être dénoncé.

Cette dénonciation sera notifiée par écrit au Secrétaire général de la Société des Nations, qui en donnera connaissance à tous les Membres et aux États non Membres visés à l'article 6.

Cette dénonciation ne produira effet qu'à l'égard du Membre ou de l'État non Membre qui l'aura notifiée et un an après la date à laquelle cette notification aura été reçue par le Secrétaire général.

Article 13.

1. Chacune des Hautes Parties Contractantes peut déclarer, au moment de la signature, de la ratification ou de l'adhésion que, par son acceptation du présent Protocole, Elle n'entend assumer aucune obligation en ce qui concerne l'ensemble ou toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat, ou encore en ce qui concerne certaines de leurs populations ; dans ce cas, le présent Protocole ne sera pas applicable aux territoires ou populations faisant l'objet d'une telle déclaration.

2. Chacune des Hautes Parties Contractantes pourra ultérieurement notifier au Secrétaire général de la Société des Nations qu'Elle entend rendre le présent Protocole applicable à l'ensemble ou à toute partie de ses territoires ou de leurs populations ayant fait l'objet de la déclaration prévue au paragraphe précédent. Dans ce cas, le Protocole s'appliquera aux territoires ou aux populations visés dans la notification six mois après la réception de cette notification par le Secrétaire général de la Société des Nations.

3. De même, chacune des Hautes Parties Contractantes peut, à tout moment, déclarer qu'Elle entend voir cesser l'application du présent Protocole à l'ensemble ou à toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat, ou encore en ce qui concerne certaines de leurs populations ; dans ce cas, le Protocole cessera d'être applicable aux territoires ou populations faisant l'objet d'une telle déclaration un an après la réception de cette déclaration par le Secrétaire général de la Société des Nations.

4. Chacune des Hautes Parties Contractantes peut faire des réserves conformément à l'article 4 du présent Protocole en ce qui concerne l'ensemble ou toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat, ou en ce qui concerne certaines de leurs populations, au moment de la signature, de la ratification ou de l'adhésion, ou au moment de la notification prévue au paragraphe 2 du présent article.

5. Le Secrétaire général de la Société des Nations communiquera à tous les Membres de la Société des Nations et aux États non Membres visés à l'article 6 les déclarations et notifications reçues en vertu du présent article.

Article 14.

Le présent Protocole sera enregistré par les soins du Secrétaire général de la Société des Nations, dès sa mise en vigueur.

Article 15.

Les textes français et anglais du présent Protocole font également foi.

Article 12.

The present Protocol may be denounced.

Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all Members of the League of Nations and the non-Member States mentioned in Article 6.

Each denunciation shall take effect one year after the receipt by the Secretary-General of the notification but only as regards the Member of the League or non-Member State on whose behalf it has been notified.

Article 13.

1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Protocol, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories; and the present Protocol shall not apply to any territories or to the parts of their population named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Protocol shall apply to all or any of his territories or to the parts of their population which have been made the subject of a declaration under the preceding paragraph, and the Protocol shall apply to all the territories or the parts of their population named in such notice six months after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time, declare that he desires that the present Protocol shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories, and the Protocol shall cease to apply to the territories or to the parts of their population named in such declaration one year after its receipt by the Secretary-General of the League of Nations.

4. Any High Contracting Party may make the reservations provided for in Article 4 in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of these territories, at the time of signature, ratification or accession to the Protocol or at the time of making a notification under the second paragraph of this article.

5. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-Member States mentioned in Article 6 all declarations and notices received in virtue of this article.

Article 14.

The present Protocol shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

Article 15.

The French and English texts of the present Protocol shall both be authoritative.

EN FOI DE QUOI, les Plénipotentiaires ont signé le présent Protocole.

FAIT à La Haye, le douze avril mil neuf cent trente, en un seul exemplaire qui sera déposé dans les archives du Secrétariat de la Société des Nations. Une copie certifiée conforme sera transmise par les soins du Secrétaire général à tous les Membres de la Société des Nations et à tous les États non Membres invités à la première Conférence pour la Codification du Droit international.

IN FAITH WHEREOF the Plenipotentiaries have signed the present Protocol.

DONE at The Hague on the twelfth day of April, one thousand nine hundred and thirty, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations and of which certified true copies shall be transmitted by the Secretary-General to all the Members of the League of Nations and all the non-Member States invited to the First Conference for the Codification of International Law.

AUTRICHE

LEITMAIER

AUSTRIA

GRANDE-BRETAGNE ET IRLANDE DU NORD,
ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations.

GREAT BRITAIN AND NORTHERN IRELAND
and all parts of the British Empire which are not separate Members of the League of Nations.

Maurice GWYER
Oscar F. DOWSON

UNION SUD-AFRICAINE

Charles W. H. LANSDOWN

UNION OF SOUTH AFRICA

ÉTAT LIBRE D'IRLANDE

John J. HEARNE.

IRISH FREE STATE

INDE

In accordance with the provisions of Article 13 of this Protocol, I declare that His Britannic Majesty does not assume any obligation in respect of the territories in India of any Prince or Chief under His suzerainty or the population of the said territories [1].

Basanta Kumar MULLICK

INDIA

COLOMBIE

A. J. RESTREPO
Francisco José URRUTIA

COLOMBIA

[*Traduction du Secrétariat de la Société des Nations.*]

[1] Conformément aux dispositions de l'article 29 de la Convention, je déclare que Sa Majesté Britannique n'assume aucune obligation en ce qui concerne les territoires de l'Inde appartenant à un prince ou chef placé sous sa suzeraineté ou en ce qui concerne la population desdits territoires.

CUBA	*Ad referendum* Diaz de Villar Carlos de Armenteros	CUBA
ÉGYPTE	A. Badaoui M. Sid Ahmed	EGYPT
ESPAGNE	A. Goicoechea	SPAIN
GRÈCE	*Ad referendum* Megalos A. Caloyanni Jean Spiropoulos	GREECE
LUXEMBOURG	Conrad Stumper	LUXEMBURG
MEXIQUE	Eduardo Suarez	MEXICO
PÉROU	M. H. Cornejo	PERU
PORTUGAL	José Caeiro da Matta José Maria Vilhena Barbosa de Magalhaes Prof. Doutor J. Lobo d'Avila Lima	PORTUGAL
SALVADOR	J. Gustavo Guerrero	SALVADOR
URUGUAY	E. E. Buero	URUGUAY

ANNEX 9.

GENERAL RECOMMENDATIONS WITH A VIEW TO THE PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW.

REPORT OF THE DRAFTING COMMITTEE.

Rapporteur : M. PÉPIN (France).

The Drafting Committee has had before it various proposals concerning the progressive codification of international law.

Certain of these proposals, put forward by a group of delegations, were examined by the Committee in collaboration with M. Alvarez.

Others made by the Hellenic and Danish Delegations, and dealing more particularly with the future of the work of codification, were discussed in collaboration with M. Politis and M. Cohn.

As the result of its consideration of the subject, the Drafting Committee has drawn up the following recommendations, which are submitted for approval to the Conference.

(The text of the Recommendations as adopted by the Conference is reproduced in Annex II, page 139).

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Official No.: C. 230. M. 117. 1930. V.
[Conf. C. D. I. 19 (2).]

ANNEX 10.

REPORT OF THE SECOND COMMITTEE: TERRITORIAL SEA.

Rapporteur: M. FRANÇOIS (Netherlands).

The Second Committee was appointed to study the Bases of Discussion drawn up by the Preparatory Committee with regard to territorial waters (see Document C.74.M.39. 1929.V.). After a general discussion, this Committee formed two Sub-Committees, the first to examine Bases of Discussion Nos. 1, 2, 5 and 19 to 26 inclusive, the second to examine Bases Nos. 6 to 18 inclusive. Bases Nos. 3, 4, 27 and 28 were reserved for consideration by the full Committee. The results of the work of the Sub-Committees were embodied in two reports and submitted to the Committee.

The Committee appointed as its Chairman M. Göppert, Delegate of Germany, as Vice-Chairman His Excellency M. Goicoechea, Delegate of Spain, and as its Rapporteur Professor François, Delegate of the Netherlands.

The Chairman of the First Sub-Committee was His Excellency M. Barbosa de Magalhães, Delegate of Portugal, the Second Sub-Committee being presided over by the Chairman of the plenary Committee, M. Göppert. The Second Sub-Committee appointed a special Committee of Experts, which defined for it certain technical terms. This Committee was presided over by Vice-Admiral Surie (Netherlands). Other special committees were set up to study particular questions.

The discussions of the Committee showed that all States admit the principle of the freedom of maritime navigation. On this point there are no differences of opinion. The freedom of navigation is of capital importance to all States; in their own interests they ought to favour the application of the principle by all possible means.

On the other hand, it was recognised that international law attributes to each Coastal State sovereignty over a belt of sea round its coasts. This must be regarded as essential for the protection of the legitimate interests of the State. The belt of territorial sea forms part of the territory of the State; the sovereignty which the State exercises over this belt does not differ in kind from the authority exercised over its land domain.

This sovereignty is however limited by conditions established by international law; indeed it is precisely because the freedom of navigation is of such great importance to all States that the right of innocent passage through the territorial sea has been generally recognised.

There may be said to have been agreement among the delegations on these ideas. With regard, however, to the breadth of the belt over which the sovereignty of the State should be recognised, it soon became evident that opinion was much divided. These differences of opinion were to a great extent the result of the varying geographical and economic conditions in different States and parts of the world. Certain delegations were also anxious about the consequences which, in their opinion, any rules adopted for time of peace might indirectly have on questions of neutrality in time of war.

The Committee refrained from taking a decision on the question whether existing international law recognises any fixed breadth of the belt of territorial sea. Faced with differences of opinion on this subject, the Committee preferred, in conformity with the instructions it received from the Conference, not to express an opinion on what ought to be regarded as the existing law, but to concentrate its efforts on reaching an agreement which would fix the breadth of the territorial sea for the future. It regrets to confess that its efforts in this direction met with no success.

The Preparatory Committee had suggested, as a basis of discussion, the following scheme:

1° Limitation of the breadth of the territorial sea to three miles;
2° Recognition of the claim of certain States specifically mentioned to a territorial sea of greater breadth;
3° Acceptance of the principle of a zone on the high sea contiguous to the territorial sea in which the Coastal State would be able to exercise the control necessary to prevent, within its territory or territorial sea, the infringement of its Customs or sanitary regulations or interference with its security by foreign vessels, such control not to be exercised more than twelve miles from the coast.

The Committee was unable to accept this scheme. Objections were raised by various delegations to each of the three points in turn.

The fixing of the breadth at three miles was opposed by those States which maintain that there is no rule of law to that effect, and that their national interests necessitate the adoption of a wider belt. The proposal to recognise a wider belt for these States and for

them alone, led to objections from two sides: some States were not prepared to recognise exceptions to the three-mile rule, while the above-mentioned States themselves were of opinion that the adoption of such a rule would be arbitrary and were not prepared to accept any special position which was conceded to them merely as part of the terms of an agreement. The idea embodied in the third point, namely, the acceptance of a contiguous zone, found a number of supporters though it proved ineffective as the basis for a compromise.

The first question to be considered was the nature of the rights which would belong to the Coastal States in such a zone. The supporters of the proposal contemplated that, first of all, the Coastal State should be able to enforce its bustoms regulations over a belt of sea extending twelve miles out from the coast. It need scarcely be said that States would still be free to make treaties with one another conferring special or general rights in a wider zone—for instance, to prevent pollution of the sea. Other States, however, were of opinion that in Customs matters bilateral or regional agreements would be preferable to the making of collective conventions, in view of the special circumstances which would apply in each case. These States were opposed to granting the Coastal State any right of exercising Customs or other control on the high seas outside the territorial sea, unless the right in question arose under a special convention concluded for the purpose. The opposition of these States to the establishment of such a zone was further strengthened by the possibility that, if such rights were accorded, they would eventually lead to the creation of a belt of territorial sea which included the whole contiguous zone.

Other States declared that they were ready to accept, if necessary, a contiguous zone for the exercise of Customs rights, but they refused to recognise the possession by the Coastal State of any rights of *control* with a view to preventing interference with its *security*. The recognition of a special right in the matter of legitimate defence against attack would, in the opinion of these States, be superfluous, since that right already existed under the general principles of international law; if, however, it was proposed to give the Coastal State still wider powers in this matter, the freedom of navigation would thereby be seriously endangered, without, on the other hand, affording any effective guarantee to the Coastal State. But other States regarded the granting of powers of this nature in the contiguous zone as being a matter of primary importance. The opinion was expressed that the Coastal State should be able to exercise in the air above the contiguous zone rights corresponding to those it might be in a position to claim over the contiguous zone itself. The denial of such rights over the contiguous zones both of sea and air would therefore, they stated, influence the attitude of the States in question with regard to the breadth of the territorial sea.

Certain delegations pointed out how important it was that the Coastal State should have in the contiguous zone effective administration of its fishery laws and the right of protecting fry. It was, on the other hand, agreed that it was probably unnecessary to recognise special rights in the contiguous zone in the matter of sanitary regulations.

The various points of view referred to on pages 123 and 124 of this report, in so far as they were expressed in the plenary meetings of the Committee, will be found in the Minutes, and in particular in those of the thirteenth meeting on April 3rd, 1930, which are annexed to this report [1].

After discussions, which could not be prolonged because of the limited time available, the Committee came to the conclusion that in view of these wide divergencies of opinion no agreement could be reached for the present on these fundamental questions.

This conclusion necessarily affected the result of the examination of the other points.

The First Sub-Committee had drawn up and adopted thirteen Articles on the subjects which had been referred to it for examination. The Committee had to decide what should be done with the result of the subcommittee's labours. Some Delegations thought that, despite the impossibility of reaching an agreement on the breadth of the territorial sea, it was both possible and desirable to conclude a Convention on the legal status of that sea, and for that reason proposed that these Articles should be embodied in a convention to be adopted by the Conference. Most of the Delegations however took a contrary view. The Articles in question were intended to form part of a convention which would determine the breadth of the territorial sea. In several cases the acceptance of these Articles had been in the nature of a compromise and subject to the condition, expressed or implied, that an agreement would be reached on the breadth of the belt. In the absence of such an agreement there could be no question of concluding a convention containing these Articles alone. On the basis of a recent precedent, a third compromise was suggested, namely, that the Articles should be embodied in a convention which might be signed and ratified, but which would not come into force until a subsequent agreement was concluded on the breadth of the territorial sea. It was eventually agreed that no convention should be concluded immediately, and it was decided that the Articles proposed by the First Sub-Committee and provisionally approved by the Committee should be attached as an annex to the Committee's report (Appendix I, p. 126).

[1] See Appendix III, p. 134.

The absence of agreement as to the breadth of the territorial sea affected to an even greater extent the action to be taken on the Second Sub-Committee's report. The questions which that Sub-Committee had to examine are so closely connected with the breadth of the territorial sea that the absence of an agreement on that matter prevented the Committee from taking even a provisional decision on the Articles drawn up by the Sub-Committee. These Articles nevertheless constitute valuable material for the continuation of the study of the question, and are therefore also attached to the present report (Appendix II, p. 131).

One difficulty which the Committee encountered in the course of its examination of several points of its agenda was that the establishment of general rules with regard to the belt of the territorial sea would, in theory at any rate, effect an inevitable change in the existing status of certain areas of water. In this connection it is almost unnecessary to mention the bays known as "historic bays"; and the problem is besides by no means confined to bays, but arises in the case of other areas of water also. The work of codification could not affect any rights which States may possess over certain parts of their coastal sea, and nothing, therefore, either in this report or in its appendices, can be open to that interpretation. On the other hand, it must be recognised that no definite or concrete results can be obtained without determining and defining those rights. The Committee realises that in this matter too the work of codification will encounter certain difficulties.

Nevertheless, in the Committee's opinion, it should not be concluded that difficulties in arriving at an immediate convention must necessarily lead States to abandon the work begun. Accordingly, the Committee proposes that the Conference should request the Council of the League of Nations to invite the Governments to continue, in the light of the Conference's discussions, the study of the breadth of the territorial sea and its allied questions and to seek ways and means of promoting the work of codification, and the good understanding of States in all that concerns the development of international maritime traffic [1]. In this connection it is suggested that the Council of the League should consider whether the various States should be invited to forward to the Secretary-General official information, either in the form of charts or in some other form, regarding the base lines adopted by them for the measurement of their belts of territorial sea.

Lastly, the Committee proposes that the Conference should recommend the Council of the League to convene, as soon as it deems opportune, a new Conference, either for the conclusion of a general convention on all questions connected with the territorial sea, or even—if such a course seems desirable—of a convention limited to the points dealt with in Appendix I [2].

* * *

The Preparatory Committee, when drawing up its questionnaire, observed that the question of jurisdiction over foreign vessels in ports did not quite lie within the scope of the questions with which the Conference was to be called upon to deal. After examining the replies of the Governments, the Preparatory Committee found that opinions were divided as to the desirability of embodying this point in the future convention.

The Committee decided not to deal with this subject. It was pointed out that it was a very complex one which lay outside the scheme of the proposed convention and could not be treated in full in the two Bases of Discussion drawn up by the Preparatory Committee. Further, the opinion was expressed that, although the rules on the subject could not be said to have no connection with the Convention, there was no urgent need to settle the problems involved at once; indeed, they already form the subject of a large number of bilateral Conventions. Other Delegations would have preferred to have seen the two Bases, discussed since, in their opinion, they solved certain aspects of the problem; but in view of the short time available, these Delegations did not object to the deletion of the Bases.

It was decided to submit the following recommendation to the Conference:

> "The Conference recommends that the Convention on the international régime of maritime ports, signed at Geneva on December 9th, 1923, should be supplemented by the adoption of provisions regulating the scope of the judicial powers of States with regard to vessels in their inland waters."

Although the questions of protection of the various products of the sea and the regulation of fisheries do not, strictly speaking, come within the scheme of the Conference's work, nevertheless, a general agreement in this field would lessen the need which some States feel for a contiguous zone of sea for fishery purposes. The Committee proposes that the Conference should adopt the following Recommendation.

The Conference,

Taking into consideration the importance of the fishing industry to certain countries;

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[1] See Appendix IV, p. 137.

[2] See p. 126.

Recognising further that the protection of the various products of the sea must be considered not only in relation to the territorial sea but also the waters beyond it ;

And that it is not competent to deal with these problems nor to do anything to prejudge their solution ;

Noting also the steps already initiated on these subjects by certain organs of the League of Nations,

Desires to affirm the importance of the work already undertaken or to be undertaken regarding these matters, either through scientific research, or by practical methods, that is measures of protection and collaboration which may be recognised as necessary for the safeguarding of riches constituting the common patrimony.

Appendix I.

THE LEGAL STATUS OF THE TERRITORIAL SEA.

GENERAL PROVISIONS.

Article 1.

The territory of a State includes a belt of sea described in this Convention as the territorial sea.

Sovereignty over this belt is exercised subject to the conditions prescribed by the present Convention and the other rules of international law.

Observations.

The idea which it has been sought to express by stating that the belt of territorial sea forms part of the territory of the State is that the power exercised by the State over this belt is in its nature in no way different from the power which the State exercises over its domain on land. This is also the reason why the term "sovereignty" has been retained, a term which better than any other describes the juridical nature of this power. Obviously, sovereignty over the territorial sea, like sovereignty over the domain on land, can only be exercised subject to the conditions laid down by international law. As the limitations which international law imposes on the power of the State in respect of the latter's sovereignty over the territorial sea are greater than those it imposes in respect of the domain on land, it has not been thought superfluous to make special mention of these limitations in the text of the article itself. These limitations are to be sought in the first place in the present Convention ; as, however, the Convention cannot hope to exhaust the matter, it has been thought necessary to refer also to other the rules of international law.

There was some hesitation whether it would be better to use the term "territorial waters" or the term "territorial sea". The use of the first term, which was employed by the Preparatory Committee, may be said to be more general and it is employed in several international conventions. There can, however, be no doubt that this term is likely to lead—and indeed has led—to confusion, owing to the fact that it is also used to indicate inland waters, or the sum total of inland waters and "territorial waters" in the restricted sense of this latter term. For these reasons, the expression "territorial sea" has been adopted.

Article 2.

The territory of a Coastal State includes also the air space above the territorial sea, as well as the bed of the sea, and the subsoil.

Nothing in the present Convention prejudices any conventions or other rules of international law relating to the exercise of sovereignty in these domains.

Observations.

It has been thought desirable that a formal provision should be inserted concerning the juridical status of the air above the territorial sea, the bed of the sea, and the subsoil. The text as drafted is on similar lines to the previous article. It therefore follows that the Coastal State may also exercise sovereignty in the air space above the territorial sea, and over the bed of the sea and the subsoil. It is important to emphasise that in these domains also sovereignty is limited by the rules of international law. As regards the territorial sea, including the air and the bed of the sea as used in maritime navigation, these limitations are, in the first place, to be found in the present Convention. So far as concerns the air space the matter is governed by the provisions of other conventions; as regards the bed of the sea and the subsoil, there are but few rules of international law.

Right of Passage.

Article 3.

"Passage" means navigation through the territorial sea for the purpose either of traversing that sea without entering inland waters, or of proceeding to inland waters, or of making for the high sea from inland waters.

Passage is not *innocent* when a vessel makes use of the territorial sea of a Coastal State for the purpose of doing any act prejudicial to the security, to the public policy or to the fiscal interests of that State.

Passage includes stopping and anchoring, but in so far only as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or by distress.

Observations.

For a passage to be deemed other than innocent, the territorial sea must be used for the purpose of doing some act prejudicial to the security, to the public policy or to the fiscal interests of the State. It is immaterial whether or not the intention to do such an act existed at the time when the vessel entered the territorial sea, provided that the act is in fact committed in that sea. In other words, the passage ceases to be innocent if the right accorded by international law and defined in the present Convention is abused and in that event the Coastal State resumes its liberty of action. The expression "fiscal interests" is to be interpreted in a wide sense, and includes all matters relating to Customs. Import, export and transit prohibitions, even when not enacted for revenue purposes but e.g. for purposes of public health, are covered by the language used in the second paragraph, promulgated by the Coastal State.

It should, moreover, be noted that when a State has undertaken international obligations relating to freedom of transit over its territory, either as a general rule or in favour of particular States, the obligations thus assumed also apply to the passage of the territorial sea. Similarly, as regards access to ports or navigable waterways, any facilities the State may have granted in virtue of international obligations concerning free access to ports, or shipping on the said waterways, may not be restricted by measures taken in those portions of the territorial sea which may reasonably be regarded as approaches to the said ports or navigable waterways.

I. VESSELS OTHER THAN WARSHIPS.

Article 4.

A Coastal State may put no obstacles in the way of the innocent passage of foreign vessels in the territorial sea.

Submarine vessels shall navigate on the surface.

Observations.

The expression "vessels other than warships" includes not only merchant vessels, but also vessels such as yachts, cable ships, etc., if they are not vessels belonging to the naval forces of a State at the time of the passage.

Article 5.

The right of passage does not prevent the Coastal State from taking all necessary steps to protect itself in the territorial sea against any act prejudicial to the security, public policy or fiscal interests of the State, and, in the case of vessels proceeding to inland waters, against any breach of the conditions to which the admission of those vessels to those waters is subject.

Observations.

The article gives the Coastal State the right to verify, if necessary, the innocent character of the passage of a vessel and to take the steps necessary to protect itself against any act prejudicial to its security, public policy, or fiscal interests. At the same time, in order to avoid unnecessary hindrances to navigation, the Coastal State is bound to act with great discretion in exercising this right. Its powers are wider if a vessel's intention to touch at a port is known, and include *inter alia* the right to satisfy itself that the conditions of admission to the port are complied with.

Article 6.

Foreign vessels exercising the right of passage shall comply with the laws and regulations enacted in conformity with international usage by the Coastal State, and, in particular, as regards:

(*a*) the safety of traffic and the protection of channels and buoys ;
(*b*) the protection of the waters of the Coastal State against pollution of any kind caused by vessels ;
(*c*) the protection of the products of the territorial sea ;
(*d*) the rights of fishing, shooting and analogous rights belonging to the Coastal State.

The Coastal State may not, however, apply these rules or regulations in such a manner as to discriminate between foreign vessels of different nationalities, nor, save in matters relating to fishing and shooting, between national vessels and foreign vessels.

Observations.

International law has long recognised the right of the Coastal State to enact in the general interest of navigation special regulations applicable to vessels exercising the right of passage through the territorial sea. The principal powers which international law has hitherto recognised as belonging to the Coastal State for this purpose are defined in this Article.

It has not been considered desirable to include any special provision extending the right of innocent passage to persons and merchandise on board vessels. It need hardly be said that there is no intention to limit the right of passage to the vessels alone, and that persons and property on board are also included. A provision however specially referring to "persons and merchandise" would on the one hand have been incomplete because it would not e.g. cover such things as mails or passengers' luggage, whilst on the other hand it would have gone too far because it might have excluded the right of the Coastal State to arrest an individual or to seize goods on board.

The term "enacted" must be understood in the sense that the laws and regulations are to be duly promulgated. Vessels infringing the laws and regulations which have been properly enacted are clearly amenable to the courts of the Coastal State.

The last paragraph of the Article must be interpreted in a broad sense ; it does not refer only to the laws and regulations themselves, but to all measures taken by the Coastal State for the purposes of the Article.

Article 7.

No charge may be levied upon foreign vessels by reason only of their passage through the territorial sea.

Charges may only be levied upon a foreign vessel passing through the territorial sea as payment for specific services rendered to the vessel. These charges shall be levied without discrimination.

Observations.

The object of this article is to exclude any charges in respect of general services to navigation (light or conservancy dues, etc.), and to allow payment to be demanded only for special services rendered to the vessel (pilotage, towage, etc.). These latter charges must be made on a basis of strict equality and with no discrimination between one vessel and another.

The provision of the first paragraph will include the case of compulsory anchoring in the territorial sea, in the circumstances indicated in Article 3, last paragraph.

Article 8.

A Coastal State may not take any steps on board a foreign vessel passing through the territorial sea to arrest any person or to conduct any investigation by reason of any crime committed on board the vessel during its passage, save only in the following cases :

(1) if the consequences of the crime extend beyond the vessel ; or
(2) if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea ; or
(3) if the assistance of the local authorities has been requested by the captain of the vessel or by the consul of the country whose flag the vessel flies.

The above provisions do not affect the right of the Coastal State to take any steps authorised by its laws for the purpose of an arrest or investigation on board a foreign vessel in the inland waters of that State or lying in its territorial sea, or passing through the territorial sea after leaving the inland waters.

The local authorities shall in all cases pay due regard to the interests of navigation when making an arrest on board a vessel.

Observations.

In the case of an offence committed on board a foreign vessel in the territorial sea, a conflict of jurisdiction may arise between the Coastal State and the State whose flag the vessel flies. If the Coastal State wishes to stop the vessel with a view to bringing the guilty party before its courts, another kind of conflict may arise : that is to say between the interests of navigation, which ought to be interfered with as little as possible,

and the interests of the Coastal State in its desire to make its criminal laws effective throughout the whole of its territory. The proposed article does not attempt to provide a solution for the first of these conflicts; it deals only with the second. The question of the judicial competence of each of the two States is thus left unaffected, except that the Coastal State's power to arrest persons or carry out investigations (e.g. a search) *during the passage* of the foreign vessel through its waters will be confined to the cases enumerated in the article. In cases not provided for in the article, legal proceedings may still be taken by the Coastal State against an offender if the latter is found ashore. It was considered whether the words "in the opinion of the competent local authority" should not be added in (2) after the word "crime", but the suggestion was not adopted. In any dispute between the Coastal State and the flag State some objective criterion is desirable and the introduction of these words would give the local authority an exclusive competence which it is scarcely entitled to claim.

The Coastal State cannot stop a foreign vessel passing through the territorial sea without entering the inland waters of the State simply because there happened to be on board a person wanted by the judicial authorities of the State for some punishable act committed elsewhere than on board the vessel. It would be still less possible for a request for extradition addressed to the Coastal State in respect of an offence committed abroad to be regarded as a valid ground for interrupting the vessel's voyage.

In the case of a vessel lying in the territorial sea, the jurisdiction of the Coastal State will be regulated by the State's own municipal law and will necessarily be more extensive than in the case of vessels which are simply passing through the territorial sea along the coast. The same observation applies to vessels which have been in one of the ports or navigable waterways of the Coastal State. The Coastal State, however, must always do its utmost to interfere as little as possible with navigation. The inconvenience caused to navigation by the stopping of a large liner outward bound in order to arrest a person alleged to have committed some minor offence on land can scarcely be regarded as of less importance than the interest which the State may have in securing the arrest of the offender. Similarly, the judicial authorities of the Coastal State should, as far as possible, refrain from arresting any of the officers or crew of the vessel if their absence would make it impossible for the voyage to continue.

Article 9.

A Coastal State may not arrest nor divert a foreign vessel passing through the territorial sea, for the purpose of exercising civil jurisdiction in relation to a person on board the vessel. A Coastal State may not levy execution against or arrest the vessel for the purpose of any civil proceedings save only in respect of obligations or liabilities incurred by the vessel itself in the course of or for the purpose of its voyage through the waters of the Coastal State.

The above provisions are without prejudice to the right of the Coastal State in accordance with its laws to levy execution against, or to arrest, a foreign vessel in the inland waters of the State or lying in the territorial sea, or passing through the territorial sea after leaving the inland waters of the State, for the purpose of any civil proceedings.

Observations.

The rules adopted for criminal jurisdiction have been closely followed. A vessel which is only navigating the territorial sea without touching the inland waters of the Coastal State may in no circumstances be stopped for the purpose of exercising civil jurisdiction in relation to any person on board or for levying execution against or for arresting the vessel itself except as a result of events occurring in the waters of the Coastal State during the voyage in question, as for example, a collision, salvage, etc., or in respect of obligations incurred for the purpose of the voyage.

Article 10.

The provisions of the two preceding Articles (Arts. 8 and 9) are without prejudice to the question of the treatment of vessels exclusively employed in a governmental and non-commercial service, and of the persons on board such vessels.

Observations.

The question arose whether, in the case of vessels belonging to a Government and operated by a Government for commercial purposes, certain privileges and immunities might be claimed as regards the application of Articles 8 and 9. The Brussels Convention relating to the immunity of State-owned vessels deals with immunity in the matter of civil jurisdiction. In the light of the principles and definitions embodied in that Convention (see in particular Article 3), the Article now under consideration lays down that the rules set out in the two preceding Articles are without prejudice to the question of the treatment of vessels exclusively employed in a governmental and non-commercial service, and the persons on board such vessels. Government vessels operated for commercial purposes therefore fall within the scope of Articles 8 and 9.

Article 11.

The pursuit of a foreign vessel for an infringement of the laws and regulations of a Coastal State begun when the foreign vessel is within the inland waters or territorial sea of the State may be continued outside the territorial sea so long as the pursuit has not been interrupted. The right of pursuit ceases as soon as the vessel which is pursued enters the territorial sea of its own country or of a third State.

The pursuit shall only be deemed to have begun when the pursuing vessel has satisfied itself by bearings, sextant angles, or other like means that the pursued vessel or one of its boats is within the limits of the territorial sea, and has begun the pursuit by giving the signal to stop. The order to stop shall be given at a distance which enables it to be seen or heard by the other vessel.

A capture on the high sea shall be notified without delay to the State whose flag the captured vessel flies.

Observations.

This article recognises the "right of pursuit" of the Coastal State and states the principles with some precision. When the foreign vessel in the territorial sea receives the order to stop, the vessel giving the order need not necessarily be in that sea also. This case arises in practice in connection with patrol vessels which, in order to police the fisheries, cruise along the coast at a little distance outside the limits of the territorial sea. In such case, when the pursuit commences, it will be sufficient if the offending vessel (or its boats, if the infringement is being committed by their means) is within the territorial sea.

Pursuit must be continuous; once interrupted, it may not be resumed. The question whether a pursuit has or has not been interrupted is a question of fact. The right of pursuit ceases in every case as soon as the vessel enters the territorial sea of its own country or of a third State.

The point was raised: at what precise moment may pursuit be deemed to have begun? If a patrol vessel receives a wireless message informing it that an offence has been committed and sets out without having seen the offending vessel, can it be said that pursuit has already begun? The conclusion reached was that it can not. Pursuit can not be deemed to have begun until the pursuing vessel has ascertained for itself the actual presence of a foreign vessel in the territorial sea and has, by means of any recognised signal, given it the order to stop. It was thought that, to avoid abuses, an order transmitted by wireless should not be regarded as sufficient, since there were no limits to the distance from which such an order might be given.

The arrest of a foreign vessel on the high sea is an occurrence of so exceptional a nature that, in order to avoid misunderstandings, the State whose flag the vessel flies must be notified of the reasons for the arrest. It was therefore deemed advisable to require the State of the vessel effecting the capture to notify the other State concerned.

2. WARSHIPS.

Article 12.

As a general rule, a Coastal State will not forbid the passage of foreign warships in its territorial sea and will not require a previous authorisation or notification.

The Coastal State has the right to regulate the conditions of such passage.

Submarines shall navigate on the surface.

Observations.

To state that a Coastal State will not forbid the innocent passage of foreign warships through its territorial sea is but to recognise existing practice. That practice also, without laying down any strict and absolute rule, leaves to the State the power, in exceptional cases, to prohibit the passage of foreign warships in its territorial sea.

The Coastal State may regulate the conditions of passage, particularly as regards the number of foreign units passing simultaneously through its territorial sea—or through any particular portion of that sea—though as a general rule no previous authorisation or even notification will be required.

Under no pretext, however, may there be any interference with the passage of warships through straits constituting a route for international maritime traffic between two parts of the high sea.

Article 13.

If a foreign warship passing through the territorial sea does not comply with the regulations of the Coastal State and disregards any request for compliance which may be brought to its notice, the Coastal State may require the warship to leave the territorial sea.

Observations.

A special stipulation to the effect that warships must, in the territorial sea, respect the local laws and regulations has been thought unnecessary. Nevertheless, it seemed advisable to indicate that on non-observance of these regulations the right of free passage ceases and that consequently the warship may be required to leave the territorial sea.

Appendix II.

REPORT OF SUB-COMMITTEE No. II.

BASE LINE.

Subject to the provisions regarding bays and islands, the breadth of the territorial sea is measured from the line of low-water mark along the entire coast.

For the purposes of this Convention, the line of low-water mark is that indicated on the charts officially used by the Coastal State, provided the latter line does not appreciably depart from the line of mean low-water spring tides.

Elevations of the sea bed situated within the territorial sea, though only above water at low tide, are taken into consideration for the determination of the base line of the territorial sea.

Observations.

The line of low-water mark following all the sinuosities of the coast is taken as the basis for calculating the breadth of the territorial sea, excluding the special cases of (1) bays, (2) islands near the coast and (3) groups of islands, which will be dealt with later. The article is only concerned with the general principle.

The traditional expression "low-water mark" may be interpreted in different ways and requires definition. In practice, different States employ different criteria to determine this line. The two following criteria have been taken more particularly into consideration: first, the low-water mark indicated on the charts officially used by the Coastal State, and, secondly, the line of mean low-water spring tides. Preference was given to the first, as it appeared to be the more practical. Not every State, it is true, possesses official charts published by its own hydrographic services, but every Coastal State has some chart adopted as official by the State authorities, and a phrase has therefore been used which also includes these charts.

The divergencies due to the adoption of different criteria on the different charts are very slight and can be disregarded. In order to guard against abuse, however, the proviso has been added that the line indicated on the chart must not depart appreciably from the more scientific criterion: the line of mean low-water spring tides. The term "appreciably" is admittedly vague. Inasmuch, however, as this proviso would only be of importance in a case which was clearly fraudulent, and as, moreover, absolute precision would be extremely difficult to attain, it is thought that it might be accepted.

If an elevation of the sea bed which is only uncovered at low tide is situated within the territorial sea off the mainland, or off an island, it is to be taken into consideration on the analogy of the North Sea Fisheries Convention of 1882 in determining the base line of the territorial sea.

It must be understood that the provisions of the present Convention do not prejudge the questions which arise in regard to coasts which are ordinarily or perpetually ice-bound.

BAYS.

In the case of bays the coasts of which belong to a single State, the belt of territorial waters shall be measured from a straight line drawn across the opening of the bay. If the opening of the bay is more than ten miles wide, the line shall be drawn at the nearest point to the entrance at which the opening does not exceed ten miles.

Observations.

It is admitted that the base line provided by the sinuosities of the coast should not be maintained under all circumstances. In the case of an indentation which is not very broad at its opening, such a bay should be regarded as forming part of the inland waters. Opinions were divided as to the breadth at which this opening should be fixed. Several Delegations were of opinion that bays, the opening of which did not exceed ten miles, should be regarded as inland waters; an imaginary line should be traced across the bay

between the two points jutting out furthest, and this line would serve as a basis for determining the breadth of the territorial waters. If the opening of the bay exceeds ten miles, this imaginary line will have to be drawn at the first place, starting from the opening, at which the width of the bay does not exceed ten miles. This is the system adopted i.a. in the North Sea Fisheries Convention of May 6th, 1882. Other Delegations were only prepared to regard the waters of a bay as inland waters if the two zones of territorial sea met at the opening of the bay, in other words, if the opening did not exceed twice the breadth of the territorial sea. States which were in favour of a territorial belt of three miles held that the opening should therefore not exceed six miles. Those who supported this opinion were afraid that the adoption of a greater width for the imaginary lines traced across bays might undermine the principle enunciated in the preceding article so long as the conditions which an indentation has to fulfil in order to be regarded as a bay remained undefined. Most Delegations agreed to a width of ten miles, provided a system were simultaneously adopted under which slight indentations would not be treated as bays.

However, these systems could only be applied in practice if the Coastal States enabled sailors to know how they should treat the various indentations of the coast.

Two systems were proposed; these have been set out as annexes to the observations on this article. The Sub-Committee gave no opinion regarding these systems, desiring to reserve the possibility of considering other systems or modifications of either of the above systems.

Sub-Appendix A.

PROPOSAL OF THE DELEGATION OF THE UNITED STATES OF AMERICA.

In the case of a bay or estuary the coasts of which belong to a single State, or to two or more States which have agreed upon a division of the waters thereof, the determination of the status of the waters of the bay or estuary shall be made in the following manner:

(1) On a chart or map a straight line not to exceed ten nautical miles in length shall be drawn across the bay or estuary as follows: The line shall be drawn between two headlands or pronounced convexities on the coast which embrace the pronounced indentation or concavity comprising the bay or estuary if the distance between the two headlands does not exceed ten nautical miles; otherwise the line shall be drawn through the point nearest to the entrance at which the width does not exceed ten nautical miles;

(2) The envelope of all arcs of circles having a radius equal to one-fourth the length of the straight line across the bay or estuary shall then be drawn from all points on the coast of the mainland (at whatever line of sealevel is adopted on the charts of the coastal State) but such arcs of circles shall not be drawn around islands in connection with the process which is next described;

(3) If the area enclosed within the straight line and the envelope of the arcs of circles exceeds the area of a semi-circle whose diameter is equal to one-half the length of the straight line across the bay or estuary, the waters of the bay or estuary inside of the straight line shall be regarded, for the purposes of this convention, as interior waters; otherwise they shall not be so regarded.

When the determination of the status of the waters of a bay or estuary has been made in the manner described above, the delimitation of the territorial waters shall be made as follows:

(1) If the waters of the bay or estuary are found to be interior waters, the straight line across the entrance or across the bay or estuary shall be regarded as the boundary between interior waters and territorial waters, and the three-mile belt of territorial waters shall be measured outward from that line in the same manner as if it were a portion of the coast;

(2) Otherwise the belt of territorial waters shall be measured outward from all points on the coast line;

(3) In either case arcs of circles of three mile radius shall be drawn around the coasts of islands (if there be any) in accordance with provisions for delimiting territorial waters around islands.

Sub-Appendix B.

COMPROMISE-PROPOSAL OF THE FRENCH DELEGATION.

In the case of indentations where there is only one Coastal State, the breadth of the territorial sea may be measured from a straight line drawn across the opening of the indentation provided that the length of this line does not exceed ten miles and that the indentation may properly be termed a bay.

In order that an indentation may be properly termed a bay, the area comprised between the curve of the coast and its chord must be equal to or greater than the area of the segment of the circle the centre of which is situated on the perpendicular to the chord in its middle, at a distance from the chord equal to one half of the length of this chord and of which the radius is equal to the distance which separates this point from one end of the curve.

PORTS.

In determining the breadth of the territorial sea, in front of ports the outermost permanent harbour works shall be regarded as forming part of the coast.

Observations.

The waters of the port as far as a line drawn between the outermost fixed works thus constitute the inland waters of the Coastal State.

ROADSTEADS.

Roadsteads used for the loading, unloading and anchoring of vessels, the limits of which have been fixed for that purpose by the Coastal State, are included in the territorial sea of that State, although they may be situated partly outside the general belt of territorial sea. The Coastal State must indicate the roadsteads actually so employed and the limits thereof.

Observations.

It had been proposed that roadsteads which serve for the loading and unloading of vessels should be assimilated to *ports*. These roadsteads would then have been regarded as inland waters, and the territorial sea would have been measured from their outer limits. It was thought, however, impossible to adopt this proposal. Although it was recognised that the Coastal State must be permitted to exercise special rights of control and of police over the roadsteads, it was considered unjustifiable to regard the waters in question as inland waters, since in that case merchant vessels would have had no right of innocent passage through them. To meet these objections it was suggested that the right of passage in such waters should be expressly recognised, the practical result being that the only difference between such "inland waters" and the territorial sea would have been the possession by roadsteads of a belt of territorial sea of their own. As, however, such a belt was not considered necessary, it was agreed that the waters of the roadstead should be included in the territorial sea of the State, even if they extend beyond the general limit of the territorial sea.

ISLANDS.

Every island has its own territorial sea. An island is an area of land, surrounded by water, which is permanently above high-water mark.

Observations.

The definition of the term "island" does not exclude artificial islands, provided these are true portions of the territory and not merely floating works, anchored buoys, etc. The case of an artificial island erected near to the line of demarcation between the territorial waters of two countries is reserved.

An elevation of the sea bed, which is only exposed at low tide, is not deemed to be an island for the purpose of this Convention. (See however the above proposal concerning the Base Line.)

GROUPS OF ISLANDS.

Observations.

With regard to a group of islands (archipelago) and islands situated along the coast, the majority of the Sub-Committee was of opinion that a distance of 10 miles should be adopted as a basis for measuring the territorial sea outward in the direction of the high sea. Owing to the lack of technical details, however, the idea of drafting a definite text on this subject had to be abandoned. The Sub-Committee did not express any opinion with regard to the nature of the waters included within the group.

STRAITS.

In straits which form a passage between two parts of the high sea, the limits of the territorial sea shall be ascertained in the same manner as on other parts of the coast, even if the same State is the Coastal State of both shores.

When the width of the straits exceeds the breadth of the two belts of territorial sea, the waters between those two belts form part of the high sea. If the result of this delimitation is to leave an area of high sea not exceeding two miles in breadth surrounded by territorial sea, this area may be assimilated to territorial sea.

Observations.

Within the straits with which this Article deals the belts of sea around the coast constitute territorial sea in the same way as on any other part of the coast. The belt

of sea between the two shores may not be regarded as inland waters, even if the two belts of territorial sea and both shores belong to the same State. The rules governing the line of demarcation between the ordinary inland waters and the territorial sea are the same as on other parts of the coast.

When the width throughout the straits exceeds the sum of the breadths of the two belts of territorial sea, there is a channel of the high sea through the strait. On the other hand, if the width throughout the strait is less than the breadth of the two belts of territorial sea, the waters of the strait will be territorial waters. Other cases may and in fact do arise : at certain places the width of the strait is greater than, while elsewhere it is equal to or less than, the total breadth of the two belts of territorial sea. In these cases, portions of the high sea may be surrounded by territorial sea. It was thought that there was no valid reason why these enclosed portions of sea—which may be quite large in area —should not be treated as the high sea. If such areas are of very small extent, however, practical reasons justify their assimilation to territorial sea ; but it is proposed in the Article to confine such exceptions to "enclaves" of sea not more than two nautical miles in width.

Just as in the case of bays which lie within the territory of more than one Coastal State, it has been thought better not to draw up any rules regarding the drawing of the line of demarcation between the respective territorial seas in straits lying within the territory of more than one Coastal State and of a width less than the breadth of the two belts of territorial sea.

The application of the Article is limited to straits which serve as a passage between two parts of the high sea. It does not touch the regulation of straits which give access to inland waters only. As regards such straits, the rules concerning bays, and where necessary islands, will continue to be applicable.

PASSAGE OF WARSHIPS THROUGH STRAITS.

Under no pretext whatever may the passage even of warships through straits used for international navigation between two parts of the high sea be interfered with.

Observations.

According to the previous Article the waters of straits which do not form part of the high sea constitute territorial sea. It is essential to ensure in all circumstances the passage of merchant vessels and warships through straits between two parts of the high sea and forming ordinary routes of international navigation.

DELIMITATION OF THE TERRITORIAL SEA AT THE MOUTH OF A RIVER.

When a river flows directly into the sea, the waters of the river constitute inland water up to a line following the general direction of the coast drawn across the mouth of the river whatever its width. If the river flows into an estuary, the rules applicable to bays apply to the estuary.

Appendix III.

Second Committee.

TERRITORIAL WATERS.

EXTRACT FROM THE PROVISIONAL MINUTES OF THE THIRTEENTH MEETING HELD ON THURSDAY, APRIL 3rd, 1930, AT 9.15 A.M.

Chairman : M. GÖPPERT.

M. MUSHAKOJI (Japan).—I do not think that we should vote, I think however that M. Giannini is right in this sense, that it is desirable to know the views of the different delegations. I propose, therefore, that each delegation should in turn state its attitude on this question without any vote being taken, and merely in a few words what its attitude is.

The CHAIRMAN.—I think M. Mushakoji's proposal is an excellent one.

M. GIDEL (France).—It is to be understood that this is to be a provisional expression of opinion. It is not a categorical or final declaration of our attitude. Each delegation will announce its position in principle.

The CHAIRMAN.—I quite agree with what M. Gidel says, and the views expressed must be interpreted accordingly.

Mr. LANSDOWN (Union of South Africa).—I beg to express my view in favour of Basis No. 3 as printed, that the breadth of territorial waters should be three nautical miles.

M. SCHÜCKING (Germany).—The German Delegation is in favour of the three-mile rule, together with the existence of an adjacent zone, in the hope that the acceptance of the principle of the adjacent zone may facilitate the acceptance of the three-mile rule by other countries.

Mr. MILLER (U.S.A.).—I read one sentence which is contained in various existing treaties of the United States:

> "The High Contracting Parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coastline outwards and measured from low water mark constitute the proper limits of territorial waters."

M. DE RUELLE (Belgium).—We accept the three-mile rule, together with a zone of adjacent waters.

Sir Maurice GWYER (Great Britain).—The British Delegation firmly supports Basis No. 3—that is to say, a territorial belt of three miles without the exercise, as of right, of any powers by the Coastal State in the contiguous zone, and they do that on three grounds, which I will express in as few words as I can: First, because in their view the three-mile limit is a rule of international law already existing adopted by maritime nations which possess nearly 80 % of the effective tonnage of the world; secondly, because we have already, in this Committee, adopted the principle of sovereignty over territorial waters; and thirdly, because the three-mile limit is the limit which is most in favour of freedom of navigation.

I ought to add that in this matter I speak also on behalf of His Majesty's Government in the Commonwealth of Australia.

Mr. PEARSON (Canada).—The Government of Canada is in favour of the three-mile territorial limit for all nations and for all purposes.

M. MARCHANT (Chile).—The Chilean Delegation will accept six miles as the breadth of territorial waters without an adjacent zone, or three miles with an adjacent zone.

M. W. HSIEH (China).—The Chinese Delegation accepts the Basis of Discussion No. 3 in principle.

M. ARANGO (Colombia).—I am in favour of the six-mile limit.

M. DE ARMENTEROS (Cuba).—The Cuban Delegation is against Basis No. 3. I pronounce myself in favour of six miles with an adjacent zone.

M. LORCK (Denmark).—We are in principle in favour of Basis of Discussion No. 3, but as the rules concerning bays are very unsettled and the question of bays is of great importance to Denmark, it is impossible for me to give a definite decision at the moment.

Abdel Hamid BADAOUI Pacha (Egypt).—We are in favour of three miles territorial water, together with an adjacent zone.

M. ANGULO (Spain).—In accordance with their amendment, the Spanish Delegation is in favour of six miles territorial water, together with an adjacent zone.

M. VARMA (Estonia).—The Estonian Delegation wishes for the three miles territorial water, and an adjacent zone.

M. ERICH (Finland). — For reasons of solidarity with its neighbours the Scandinavian States, the Finnish Delegation favours a zone of four miles for territorial waters, provided an adjacent zone of sufficient width is granted to her at the same time. In the latter case the Finnish Delegation could also accept a three-mile zone, but primarily she favours a four-mile zone. If, contrary to expectations, the majority of the Commission did not pronounce in favour of an adjacent zone, the Finnish Delegation reserves the right to come back to this question and to take a different attitude regarding the depth of territorial waters.

M. GIDEL (France). — France has no objection to the acceptance of the three-mile rule, provided that there is a belt of adjacent waters, and subject to the rules which may be agreed to in regard to the method of determining the datum line of the territorial belt.

M. GIANNINI (Italy).—May I ask my French colleague the meaning of the reservation he has made.

M. GIDEL (France).—I will explain myself more fully on a subsequent occasion as I would not wish to prolong this process of voting. I thought however that I had made my meaning sufficiently clear; we desire an adjacent zone and we accept the three mile limit provided that a solution satisfactory to us is arrived at with regard to the datum line of the territorial belt.

M. SPIROPOULOS (Greece).—The Greek Delegation has already stated that they accept the three mile rule. They would even be prepared to accept two miles in the interests of the freedom of navigation if all States were prepared to accept it. As we have already accepted the three mile limit and the principle of sovereignty, the Greek Delegation considers that no adjacent zone is necessary. However, as there are some countries which desire a greater extent than three miles of territorial waters, they would even be prepared to accept an adjacent zone, particularly as Greece, according to the legislation at present in force, already possesses one.

Sir Ewart GREAVES (India).—The Government of India accepts Basis No. 3.

Mr. Charles GREEN (Irish Free State).—The Government of the Irish Free State accepts Basis No. 3 as printed, but recognises that, in certain countries and for certain purposes, there are requirements of the nature set out in Basis No. 5.

M. BJÖRNSSEN (Iceland).—The Icelandic Delegation accepts four miles.

M. GIANNINI (Italy).—Six miles.

M. MUSHAKOJI (Japan).—The Japanese Delegation accepts the three-mile limit without an adjacent zone.

M. ALBAT (Latvia).—The Latvian Delegation accepts six miles with an adjacent zone.

M. RAESTAD (Norway).—As there is no binding rule of international law on this question, the Norwegian Government considers that it is necessary to take into consideration the requirements of the different countries. The Delegation pronounces in favour of the limit of four miles; that rule is older than the three-mile rule.

With regard to other countries, the Norwegian Government would be prepared to recognise a greater width of territorial waters provided, as is stated in the Norwegian Government's printed reply, that the demand was based on continuous and ancient usage.

With regard to adjacent waters, they must be limited by the needs regarding customs and security.

Admiral SURIE (Netherlands).—The Netherlands Delegation cannot give an opinion on the question of adjacent waters until it is informed what rights will be involved. It is, however, prepared to accept Basis No. 3 as regards the breadth of the territorial waters, which it accepts at three miles.

It bases its decision, first, on the necessity of safeguarding the interests of commercial navigation on the high seas, and secondly, on the consideration of not placing any too heavy obligations on the Coastal State.

M. SEPAHBODI (Persia).—The Persian Delegation accepts the six-mile rule with an adjacent zone.

M. MAKOWSKI (Poland).—The Polish Delegation is in favour of a three-mile breadth of territorial waters together with an adjacent zone sufficiently wide to enable the Coastal State to protect its legitimate interests.

M. DE MAGALHAES (Portugal).—The Portuguese Delegation has already said that it desires a territorial belt of twelve miles in width, but it is prepared to accept a belt of six miles provided there is an adjacent zone also of six miles in width.

The reason for the claim of a territorial belt of six miles is, firstly, because of the special position of Portugal on the continental plateau and its possession of fisheries which are vital to its interests, and secondly, for a general reason; that is to say, that the three-mile limit is inadequate, as is proved by the claims for adjacent waters which have been put forward by many other countries, some of them demanding a great width for the adjacent zone.

They therefore accept the six-mile belt together with adjacent waters, and in those adjacent waters they demand to be accorded police rights over fisheries such as have been recommended in all recent fishery congresses.

M. MEITANI (Roumania).—The Roumanian Delegation accepts a territorial belt of six miles and reserves its attitude on the question of adjacent waters.

M. SJÖBORG (Sweden).—The Swedish Delegation desires a territorial belt of four miles in width, but recognises as legitimate the other historic belts at present in force in a certain number of countries, that is, for example, three and six mile zones.

M. SITENSKY (Czechoslovakia).—The Czechoslovak Delegation desires the greatest possible freedom of navigation, but not having any coast line they consider that they should abstain from proposing a definite extent for the zone of territorial waters.

CHINASI Bey (Turkey).—The Turkish Delegation desires a six-mile belt of territorial waters with an adjacent zone.

M. BUERO (Uruguay).—The Uruguayan Delegation desires a territorial belt of six miles and reserves its attitude on the question of adjacent waters.

M. NOVAKOVITCH (Yugoslavia).—The Yugoslav Delegation desires a territorial belt of six miles and reserves its attitude on the question of adjacent waters.

M. DE VIANNA-KELSCH (Brazil).—The Brazilian Delegation accepts a territorial belt of six miles for all purposes.

M. EGORIEW (U.S.S.R.).—If one takes into consideration the state of positive law at the present time, as it can be discovered in the legislation of the different States through treaties and diplomatic correspondence, it is necessary to recognise the great diversity of view which exists regarding the extent in which the exercise of the rights of the Coastal State exists in the waters called territorial and adjacent. The exercise of such rights for all purposes or for certain purposes is admitted sometimes within the limit of three, sometimes four, six, ten or twelve miles.

The reasons, both historical and theoretical, invoked by some States and disputed by others, cannot be put into opposition to these facts and the rule or actual necessity for States to ensure their needs, particularly in waters along the coast which are not used for international navigation. This aspect which has been already noted in the literature on the subject, as well as in debates, in this Commission, cannot be overlooked.

Under these conditions it would be better to confine oneself to a general statement to the effect that the use of international maritime waterways must under no conditions be interfered with.

Appendix IV.

RESOLUTION CONCERNING THE CONTINUATION OF THE WORK OF CODIFICATION ON THE SUBJECT OF TERRITORIAL WATERS.

The Conference,

notes that the discussions have revealed, in respect of certain fundamental points, a divergence of views which for the present renders the conclusion of a convention on the territorial sea impossible,

but considers that the work of codification on this subject should be continued. It therefore :

(1) Requests the Council of the League of Nations to communicate to the Governments the articles annexed to the present Resolution and dealing with the legal status of the territorial sea [1], which have been drawn up and provisionally approved with a view to their possible incorporation in a general convention on the territorial sea ;

(2) Requests the Council of the League of Nations to invite the various Governments to continue, in the light of the discussions of this Conference, their study of the question of the breadth of the territorial sea and questions connected therewith, and to endeavour to discover means of facilitating the work of codification ;

(3) Requests the Council of the League of Nations to be good enough to consider whether the various maritime states should be asked to transmit to the Secretary-General official information regarding the base lines adopted by them for the determination of their belts of territorial sea ;

(4) recommends the Council of the League of Nations to convene, as soon as it deems opportune, a new conference either for the conclusion of a general convention on all questions connected with the territorial sea, or even—if that course should seem desirable—of a convention limited to the points dealt with in the following Appendix [2].

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[1] See Appendix I, p. 126.

[2] These articles are reproduced in Appendix I, p. 126.

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[Conf. C. D. I. 29.]

ANNEXE 11.

ACTE FINAL DE LA CONFÉRENCE POUR LA CODIFICATION DU DROIT INTERNATIONAL TENUE A LA HAYE EN MARS-AVRIL 1930

Les Gouvernements de l'UNION SUD-AFRICAINE, de l'ALLEMAGNE, des ÉTATS-UNIS D'AMÉRIQUE, de l'AUSTRALIE, de l'AUTRICHE, de la BELGIQUE, des ÉTATS-UNIS du BRÉSIL, du ROYAUME-UNI de la GRANDE-BRETAGNE et IRLANDE DU NORD, de la BULGARIE, du CANADA, du CHILI, de la CHINE, de la COLOMBIE, de CUBA, du DANEMARK, de la VILLE LIBRE de DANTZIG, de l'ÉGYPTE, de l'ESPAGNE, de l'ESTONIE, de la FINLANDE, de la FRANCE, de la GRÈCE, de la HONGRIE, de l'INDE, de l'ÉTAT LIBRE D'IRLANDE, de l'ISLANDE, de l'ITALIE, du JAPON, de la LETTONIE, du LUXEMBOURG, des ÉTATS-UNIS DU MEXIQUE, de MONACO, du NICARAGUA, de la NORVÈGE, des PAYS-BAS, du PÉROU, de la PERSE, de la POLOGNE, du PORTUGAL, de la ROUMANIE, du SALVADOR, de la SUÈDE, de la SUISSE, de la TCHÉCOSLOVAQUIE, de la TURQUIE, de l'URUGUAY, de l'UNION des RÉPUBLIQUES SOVIÉTISTES SOCIALISTES et de la YOUGOSLAVIE,

Ayant accepté l'invitation, qui leur a été adressée par le Conseil de la Société des Nations, conformément à une décision de l'Assemblée de la Société des Nations, en date du 27 septembre 1927, de participer à une Conférence pour la Codification du Droit international,

Ont, en conséquence, désigné comme DÉLÉGUÉS, conseillers techniques et secrétaires :

UNION SUD-AFRICAINE.

Délégué :

Mr. C. W. H. Lansdown, K.C., B.A., LL.B.	Conseiller juridique du Gouvernement de l'Union Sud-Africaine, ancien Procureur général de la Province du Cap de Bonne-Espérance.

ALLEMAGNE.

Délégués :

M. Göppert,	Ministre plénipotentiaire, Chef de la Délégation,
M. R. Richter,	Conseiller intime, Chef de Département au Ministère de la Justice du Reich.
M. H. Hering,	Conseiller intime, Chef de Département au Ministère de l'Intérieur du Reich.
Le Docteur M. Fleischmann,	Professeur à l'Université de Halle.
Le Docteur W. Schücking,	Professeur à l'Université de Kiel, Membre de la Cour permanente d'Arbitrage.
Frau Dr. M. E. Luders,	Membre du Reichstag.
Vice-Amiral Baron A. de Freyberg,	du Ministère de la Défense nationale du Reich (qui a été remplacé provisoirement par M. Eckhardt, « Oberregierungsrat »).

Secrétaire général :

Le Docteur Nöldeke,	Conseiller de Légation.

ÉTATS-UNIS D'AMÉRIQUE.

Délégués :

Mr. David Hunter Miller,	Éditeur des Traités au Département d'État, Président de la Délégation.
Mr. Green H. Hackworth,	« Solicitor » au Département d'État.
Mr. Théodore G. Risley,	« Solicitor » au Département du Travail.
Mr. Richard W. Flournoy, Jr.,	« Assistant Solicitor » au Département d'État.
Mrs. Ruth B. Shipley,	Chef de la Section des Passeports au Département d'État.

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ANNEX 11.

FINAL ACT OF THE CONFERENCE FOR THE CODIFICATION OF INTERNATIONAL LAW HELD AT THE HAGUE IN MARCH-APRIL 1930.

The Governments of the UNION OF SOUTH AFRICA, GERMANY, the UNITED STATES OF AMERICA, AUSTRALIA, AUSTRIA, BELGIUM, the UNITED STATES OF BRAZIL, the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, BULGARIA, CANADA, CHILE, CHINA, COLOMBIA, CUBA, DENMARK, the FREE CITY OF DANZIG, EGYPT, SPAIN, ESTONIA, FINLAND, FRANCE, GREECE, HUNGARY, INDIA, the IRISH FREE STATE, ICELAND, ITALY, JAPAN, LATVIA, LUXEMBURG, the UNITED STATES OF MEXICO, MONACO, NICARAGUA, NORWAY, the NETHERLANDS, PERU, PERSIA, POLAND, PORTUGAL, ROUMANIA, SALVADOR, SWEDEN, SWITZERLAND, CZECHOSLOVAKIA, TURKEY, URUGUAY, the UNION OF SOVIET SOCIALIST REPUBLICS and the KINGDOM OF YUGOSLAVIA,

Having accepted the invitation which was addressed to them by the Council of the League of Nations, in accordance with a decision of the Assembly of the League of Nations, dated the 27th September, 1927, to take part in a conference for the codification of international law,

Have accordingly appointed as DELEGATES, technical advisers and secretaries :

UNION OF SOUTH AFRICA.

Delegate :

Mr. C. W. H. Lansdown, K.C., B.A., LL.B.	Senior Law Adviser to the Government of the Union of South Africa, Ex-Attorney-General of the Province of the Cape of Good Hope.

GERMANY.

Delegates :

M. Göppert,	Minister Plenipotentiary, Head of the Delegation.
M. R. Richter,	Privy Counsellor, Head of Department at the Ministry of Justice of the Reich.
M. H. Hering,	Privy Counsellor, Head of Department at the Ministry of the Interior of the Reich.
Dr. M. Fleischmann,	Professor at the University of Halle.
Dr. W. Schücking,	Professor at the University of Kiel, Member of the Permanent Court of Arbitration.
Frau Dr. M. E. Luders,	Member of the Reichstag.
Vice-Admiral Baron A. von Freyberg,	of the Reich Ministry for National Defence, (who was provisionally replaced by M. Eckhardt, "Oberregierungsrat").

Secretary-General :

Dr. Nöldeke,	Counsellor of Legation.

UNITED STATES OF AMERICA.

Delegates :

Mr. David Hunter Miller,	Editor of Treaties, Department of State, Chairman of the Delegation.
Mr. Green H. Hackworth,	Solicitor, Department of State.
Mr. Theodore G. Risley,	Solicitor, Department of Labour.
Mr. Richard W. Flournoy, Jr.,	Assistant Solicitor, Department of State.
Mrs. Ruth B. Shipley,	Chief of the Passport Division, Department of State.

Conseillers techniques :

Mr. Jesse S. Reeves,	Professeur de Droit international à l'Université de Michigan.
Mr. Edwin M. Borchard,	Professeur de Droit international à l'Université de Yale.
Mr. Manley O. Hudson,	Professeur de Droit international à l'Université de Harvard.
Commander A. A. Corwin,	Attaché naval.
Mr. S. W. Boggs,	Géographe au Département d'État.
Miss Emma Wold,	Secrétaire pour les questions de législation du Parti national des Femmes.

Secrétaire :

Mr. Stanley Woodward,	Secrétaire d'Ambassade.

AUTRICHE.

Délégués :

M. Marc Leitmaier,	Docteur en droit, Conseiller juridique de la Chancellerie fédérale, Département des Affaires étrangères, Plénipotentiaire.
M. Charles Schwagula,	Docteur en droit, Consul général au Département des Affaires étrangères.
M. Charles Schönberger,	Docteur en droit, Conseiller ministériel au Ministère fédéral des Finances.

AUSTRALIE.

Délégués :

Sir Maurice Gwyer, K.C.B.,	Procureur général de Sa Majesté et « Solicitor » pour les Affaires de Sa Trésorerie.
Mr. O. F. Dowson, O.B.E.,	Conseiller juridique adjoint au « Home Office ».
Mr. W. E. Beckett,	Conseiller juridique au « Foreign Office ».

BELGIQUE.

Délégués :

M. J. de Ruelle,	Jurisconsulte du Ministère des Affaires étrangères.
M C. de Visscher,	Professeur à l'Université de Gand, Conseiller juridique du Ministère des Affaires étrangères, Membre de la Cour permanente d'Arbitrage.
M. R. Standaert,	Docteur en droit au Ministère de la Justice.
M. Henri Rolin,	Conseiller juridique du Ministère des Affaires étrangères.

Déléguée adjointe :

Mlle Marcelle Renson,	Avocate à la Cour d'Appel.

ÉTATS-UNIS DU BRÉSIL.

Délégué :

Son Excellence M. G. de Vianna Kelsch,	Envoyé extraordinaire et Ministre plénipotentiaire près le Président de la République de l'Équateur.

GRANDE-BRETAGNE ET IRLANDE DU NORD.

Délégués :

Sir Maurice Gwyer, K.C.B.,	Procureur général de Sa Majesté et « Solicitor » pour les Affaires de Sa Trésorerie.
Mr. O. F. Dowson, O.B.E.,	Conseiller juridique adjoint au « Home Office ».
Mr. W. E. Beckett,	Conseiller juridique au « Foreign Office ».

Technical Advisers :

Mr. Jesse S. Reeves,	Professor of International Law, University of Michigan.
Mr. Edwin M. Borchard,	Professor of International Law, Yale University.
Mr Manley O. Hudson,	Professor of International Law, Harvard University.
Commander A. A. Corwin,	Naval Attaché.
Mr. S. W. Boggs,	Geographer, Department of State.
Miss Emma Wold,	Legislative Secretary of the National Women's Party.

Secretary :

Mr. Stanley Woodward,	Secretary of Embassy.

AUSTRIA.

Delegates :

M. Marc Leitmaier,	Doctor of Law, Legal Adviser of the Federal Chancellery, Department for Foreign Affairs, Plenipotentiary.
M. Charles Schwagula,	Doctor of Law, Consul General at the Department for Foreign Affairs.
M. Charles Schönberger,	Doctor of Law, Ministerial Adviser at the Federal Ministry of Finance.

AUSTRALIA.

Delegates :

Sir Maurice Gwyer, K.C.B.,	His Majesty's Procurator General and Solicitor for the Affairs of His Majesty's Treasury.
Mr. O. F. Dowson, O.B.E.,	Assistant Legal Adviser to the Home Office.
Mr. W. E. Beckett,	Legal Adviser in the Foreign Office.

BELGIUM.

Delegates :

M. J. de Ruelle,	Legal Adviser of the Ministry for Foreign Affairs.
M. C. de Visscher,	Professor at the University of Ghent, Legal Adviser of the Ministry for Foreign Affairs, Member of the Permanent Court of Arbitration.
M. R. Standaert,	Doctor of Law at the Ministry of Justice.
M. Henri Rolin,	Legal Adviser of the Ministry for Foreign Affairs.

Substitute Delegate :

Melle. Marcelle Renson,	Barrister at the Court of Appeal.

UNITED STATES OF BRAZIL.

Delegate :

His Excellency M. G. de Vianna Kelsch,	Envoy Extraordinary and Minister Plenipotentiary to the President of the Republic of Ecuador.

GREAT BRITAIN AND NORTHERN IRELAND.

Delegates :

Sir Maurice Gwyer, K.C.B.,	His Majesty's Procurator General and Solicitor for the Affairs of His Majesty's Treasury.
Mr. O. F. Dowson, O.B.E.,	Assistant Legal Adviser to the Home Office.
Mr. W. E. Beckett,	Legal Adviser in the Foreign Office.

Délégués techniques :

Mr. A. W. Brown, LL.D.,	« Solicitor », Adjoint de la Trésorerie de Sa Majesté.
Mr. W. H. Hancock,	Secrétariat de l'Amirauté.
Mr. G. S. King, M.C.,	Département du « Solicitor » de la Trésorerie.
Lieutenant-Commander » R. M. Southern,	du Service Hydrographique de l'Amirauté.
Miss Ivy Williams, D.C.L., LL.D.	

Secrétaire :

Mr. W. Strang,	Conseiller-adjoint au « Foreign Office » pour les Affaires de la Société des Nations.

BULGARIE.

Délégué :

M. Anguel Karagueusoff,	Premier Président de la Cour suprême de Cassation.

CANADA.

Délégués :

Son Excellence l'Honorable Philippe Roy,	Envoyé extraordinaire et Ministre plénipotentiaire près le Président de la République française, Plénipotentiaire, Chef de la Délégation.
M. Jean Désy,	Conseiller de la Légation près le Président de la République française.
M. Lester B. Pearson,	Premier Secrétaire du Département des Affaires extérieures.
M. J. F. McNeill,	Conseiller juridique, Département de la Justice.

CHILI

Délégués :

Son Excellence M. Miguel Cruchaga-Tocornal,	Ancien Président du Conseil, ancien Ambassadeur près le Président des États-Unis d'Amérique, ancien Professeur de Droit international, Président des Commissions mixtes de Réclamations entre le Mexique et l'Allemagne et le Mexique et l'Espagne.
M. Alejandro Alvarez,	Membre de l'Institut de France, Membre et ancien Vice-Président de l'Institut de Droit international, Conseiller juridique des Légations du Chili en Europe.
Vice-Amiral Hipolito Marchant,	Délégué naval permanent auprès de la Société des Nations.

Secrétaires :

M. Enrique J. Gajardo V.,	Professeur de Droit international à l'Université du Chili, Secrétaire de la Légation près le Conseil fédéral suisse, Secrétaire de la Délégation.
M. Benjamin Cohen,	Ancien Secrétaire d'Ambassade, Secrétaire du Président des Commissions mixtes de Réclamations Mexique-Allemagne et Mexique-Espagne, Secrétaire du Chef de la Délégation.

CHINE.

Délégué :

Son Excellence M. Chao-Chu Wu,	Envoyé extraordinaire et Ministre plénipotentiaire près les États-Unis d'Amérique.

Conseillers techniques :

M. William Hsieh,	Secrétaire de Légation.
M. Yuen-li Liang,	Secrétaire de Légation.

Technical Delegates :

Mr. A. W. Brown, LL.D.,	Assistant Solicitor to His Majesty's Treasury.
Mr. W. H. Hancock,	Secretary's Department, Admiralty.
Mr. G. S. King, M.C.,	Treasury Solicitor's Department.
Lieutenant-Commander R. M. Southern,	Hydrographic Department, Admiralty.
Miss Ivy Williams, D.C.L., LL.D.	

Secretary :

Mr. W. Strang,	Assistant Adviser on League of Nations Affairs, Foreign Office.

BULGARIA.

Delegate :

M. Anguel Karagueusoff,	First President of the Supreme Court of Cassation.

CANADA.

Delegates :

His Excellency the Honourable Philippe Roy,	Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic, Plenipotentiary, Head of the Delegation.
M. Jean Désy,	Counsellor of the Legation to the President of the French Republic.
Mr. Lester B. Pearson,	First Secretary of the Department of External Affairs.
M. J. F. McNeill,	Advisory Counsel, Department of Justice.

CHILE.

Delegates :

His Excellency M. Miguel Cruchaga-Tocornal,	Former Prime Minister, former Ambassador to the President of the United States of America, former Professor of International Law, President of the Mixed Claims Commissions between Mexico and Germany and Mexico and Spain.
M. Alejandro Alvarez,	Member of the Institute of France, Member and former Vice-President of the Institute of International Law, Legal Adviser of the Chilean Legations in Europe.
Vice-Admiral Hipolito Marchant,	Permanent Naval Delegate to the League of Nations.

Secretaries :

M. Enrique J. Gajardo V.,	Professor of International Law at the University of Chile, Secretary of the Legation to the Swiss Federal Council, Secretary of the Delegation.
M. Benjamin Cohen,	Former Secretary of Embassy, Secretary of the Chairman of the Mixed Claims Commissions : Mexico-Germany and Mexico-Spain, Secretary of the Head of the Delegation.

CHINA.

Delegate :

His Excellency M. Chao-Chu Wu,	Envoy Extraordinary and Minister Plenipotentiary to the United States of America.

Technical Advisers :

Mr. William Hsieh,	Secretary of Legation.
Mr. Yuen-li Liang,	Secretary of Legation.

Secrétaires :

M. Nietsou Wang,	Secrétaire de Légation.
M. Sih Shou-heng,	Attaché de Légation.

COLOMBIE

Délégués :

Son Excellence M. Francisco José Urrutia,	Ancien Ministre des Affaires étrangères, Délégué permanent auprès de la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.
Son Excellence M. Antonio José Restrepo,	Délégué permanent auprès de la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire, Membre de la Chambre des Représentants.

Délégué adjoint :

Le Docteur José Luís Arango,	Docteur en Jurisprudence et Sciences politiques, diplômé de l'Institut des Hautes Études internationales de Paris, ancien Consul de carrière, Chargé d'affaires p. i. près Sa Majesté la Reine des Pays-Bas.

Secrétaire :

M. G. Abadia.

CUBA

Délégués :

Son Excellence M. A. Diaz de Villar,	Docteur en droit, Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté la Reine des Pays-Bas.
Son Excellence M. C. de Armenteros,	Docteur en droit, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

DANEMARK.

Délégués :

M. F. C. Martensen-Larsen,	Directeur au Ministère de l'Intérieur.
Son Excellence M. Georg Cohn,	Envoyé extraordinaire et Ministre plénipotentiaire.
M. V. L. Lorck,	Directeur de la Navigation, Capitaine de vaisseau.

Délégués techniques :

M. Hugo Hergel,	Secrétaire de la Légation près Sa Majesté la Reine des Pays-Bas.
M. Schau,	Sous-Chef de Bureau au Ministère de l'Intérieur.

VILLE LIBRE DE DANTZIG

Délégués :

Son Excellence M. Stefan Sieczkowski,	Sous-Secrétaire d'État au Ministère de la Justice de Pologne, Chef de la Délégation.
M. Georges Crusen,	Docteur en droit, Président de la Cour suprême de la Ville Libre.

ÉGYPTE

Délégués :

Son Excellence Abd el Hamid Badaoui Pacha,	Président du Comité du Contentieux.
Son Excellence Mourad Sid Ahmed Bey,	Conseiller royal.

Secrétaire :

M. Michel Doummar	Secrétaire du Comité du Contentieux de l'État.

Secretaries :

Mr. Nietsou Wang,	Secretary of Legation.
Mr. Sih Shou-heng,	Attaché of Legation.

COLOMBIA.

Delegates :

His Excellency M. Francisco José Urrutia,	Former Minister for Foreign Affairs, Permanent Delegate accredited to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.
His Excellency M. Antonio José Restrepo,	Permanent Delegate accredited to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary, Member of the Chamber of Representatives.

Assistant Delegate :

Dr. José Luís Arango,	Doctor in Jurisprudence and Political Sciences, Graduate of the Institute of Higher International Studies, Paris, formerly in the Consular Service, Acting Chargé d'affaires to Her Majesty the Queen of the Netherlands.

Secretary :

M. G. Abadia.

CUBA.

Delegates :

His Excellency M. A. Diaz de Villar,	Doctor of Law, Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands.
His Excellency M. C. de Armenteros,	Doctor of Law, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

DENMARK.

Delegates :

M. F. C. Martensen-Larsen,	Director at the Ministry of the Interior.
His Excellency M. Georg Cohn,	Envoy Extraordinary and Minister Plenipotentiary.
M. V L. Lorck,	Director of Navigation, Captain.

Technical Delegates :

M. Hugo Hergel,	Secretary of the Legation to Her Majesty the Queen of the Netherlands.
M. Schau,	Assistant Chief of Department at the Ministry of the Interior.

FREE CITY OF DANZIG.

Delegates :

His Excellency M. Stefan Sieczkowski,	Under-Secretary of State at the Polish Ministry of Justice, Chief of the Delegation.
M. Georges Crusen,	Doctor of Law, President of the Supreme Court of the Free City.

EGYPT.

Delegates :

His Excellency Abd el Hamid Badaoui Pacha,	President of the Litigation Committee.
His Excellency Mourad Sid Ahmed Bey,	Royal Counsellor.

Secretary :

M. Michel Doummar,	Secretary of the State Litigation Committee.

ESPAGNE.

Délégués.

Son Excellence M. Antonio Goicoechea,	Ancien Ministre de l'Intérieur, Membre de la Cour permanente d'Arbitrage, Membre de l'Académie royale des Sciences navales et politiques, Membre de la Commission générale de Codification d'Espagne, Professeur de Droit international à l'Institut diplomatique de Madrid.
M. Ginés Vidal,	Ministre plénipotentiaire, Conseiller à l'Ambassade près le Président du Reich allemand.
M. Miguel de Angulo,	Auditeur de la Marine.
M. Juan Gomez Montejo,	Chef de Section, Jurisconsulte du Ministère de la Justice.

ESTONIE.

Délégués :

Son Excellence M. Ants Piip,	Professeur de Droit international à l'Université de Tartu ancien Chef de l'État, ancien Ministre des Affaires étrangères.
M. Alexandre Varma,	Mag. jur., Directeur des Affaires administratives au Ministère des Affaires étrangères.

FINLANDE.

Délégués :

Son Excellence le Docteur Rafael Erich,	Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté le Roi de Suède, ancien Président du Conseil, Chef de la Délégation.
Le Docteur Onni Talas,	Professeur à l'Université de Helsinki, ancien Ministre de la Justice, Membre du Parlement.
M. Kaarlo Kaira,	Avocat.

Délégué-adjoint :

M. Bruno Kivikoski,	Consul général à La Haye.

Secrétaire :

Mᵉˡˡᵉ Aina Forsman,	Licenciée ès-lettres.

Secrétaire-adjoint :

M. Päivö Tarjanne,	Licencié en droit, Attaché de Légation.

FRANCE.

Délégués :

M. P. Matter,	Membre de l'Institut, Procureur général à la Cour de Cassation, Président de la Délégation.
Son Excellence M. Kammerer,	Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté la Reine des Pays-Bas, Vice-Président de la Délégation.
M. de Navailles,	Sous-Directeur au Ministère des Affaires étrangères.
M. J. Basdevant,	Jurisconsulte au Ministère des Affaires étrangères, Professeur à la Faculté de Droit de l'Université de Paris.
M. Gilbert Gidel,	Professeur à la Faculté de Droit de l'Université de Paris et à l'École libre des Sciences politiqoes.

Secrétaire général :

M. E. Pepin,	Jurisconsulte-adjoint au Ministère des Affaires étrangères.

SPAIN.

Delegates :

His Excellency M. Antonio Goicoechea,	Former Minister of the Interior, Member of the Permanent Court of Arbitration, Member of the Royal Academy of Naval and Political Sciences, Member of the General Codification Commission of Spain, Professor of International Law at the Diplomatic Institute, Madrid.
M. Ginés Vidal,	Minister Plenipotentiary, Counsellor at the Embassy to the President of the German Reich.
M Miguel de Angulo,	Procurator General of the Fleet.
M. Juan Gomez Montejo,	Head of Department, Legal Adviser of the Ministry of Justice.

ESTONIA.

Delegates :

His Excellency M. Ants Piip,	Professor of International Law at the University of Tartu, former Chief of State, former Minister for Foreign Affairs.
M. Alexandre Varma,	Mag. Jur., Director of administrative questions at the Ministry for Foreign Affairs.

FINLAND.

Delegates :

His Excellency Dr. Rafael Erich,	Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Sweden, former Prime Minister, Chief of the Delegation.
Dr. Onni Talas,	Professor at the University of Helsinki, former Minister of Justice, Member of Parliament.
M. Kaarlo Kaira,	Barrister at Law.

Assistant Delegate :

M. Bruno Kivikoski,	Consul General at The Hague.

Secretary :

Melle Aina Forsman,	Graduate in Arts.

Assistant-Secretary :

M. Päivö Tarjanne,	Graduate in Law, Attaché of Legation.

FRANCE.

Delegates :

M. P. Matter,	Member of the Institute, Procurator-General at the Supreme Court, President of the Delegation.
His Excellency M. Kammerer,	Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands, Vice-President of the Delegation.
M. de Navailles,	Assistant-Director at the Ministry for Foreign Affairs
M. J. Basdevant,	Legal Adviser at the Ministry for Foreign Affairs, Professor at the Faculty of Law of the University of Paris.
M. Gilbert Gidel,	Professor at the Faculty of Law of the University of Paris and at the Free School of Political Sciences.

Secretary-General :

M. E. Pepin,	Assistant Legal Adviser at the Ministry for Foreign Affairs.

Conseillers techniques :

M. Lecourbe, — Directeur des pêches maritimes au Ministère de la Marine marchande

M. Rouchon-Mazerat, — Maître des requêtes au Conseil d'État.

M. Dreyfus, — Sous-Directeur au Ministère de la Justice.

Le Lieutenant de vaisseau Guichard, — du Service historique de la Marine.

M. Besson, — du Ministère des Colonies.

Le Capitaine de frégate Lambert, — de l'État-major général de la Marine.

Secrétaires :

M. Louis Lucien-Hubert, — Jurisconsulte-adjoint au Ministère des Affaires étrangères,

M. de Panafieu, — Attaché d'Ambassade.

GRÈCE.

Délégués :

Son Excellence M. N. Politis, — Ancien Ministre des Affaires étrangères, Envoyé extraordinaire et Ministre plénipotentiaire près le Président de la République française.

M. Megalos A Caloyanni, — Ancien Conseiller à la Haute Cour d'Appel d'Égypte, Ancien Juge *ad hoc* à la Cour permanente de Justice internationale.

M. J. Spiropoulos, — Professeur de Droit international à l'Université de Salonique.

Secrétaires :

M. G. Koustas, — Secrétaire au Ministère des Affaires étrangères, Secrétaire de la Délégation.

M. D. A. Carapanos, — Secrétaire privé du Chef de la Délégation.

HONGRIE.

Délégué :

M. Eugène de Berczelly, — Sous-Secrétaire d'État, Chef de la Section de Droit international au Ministère de la Justice.

Délégués techniques :

M. Denis de Kovács, — Conseiller de Section au Ministère de l'Intérieur.

M. Béla de Szent-Istvány, — Conseiller de Section au Ministère des Affaires étrangères.

INDE.

Délégués :

Sir Basanta Mullick, I.C.S., — Membre du Conseil de l'Inde, ancien Juge à la Haute Cour, Patna

Sir Ewart Greaves, — ancien Juge à la Haute Cour, Calcutta, Docteur en droit.

Mr. A. Latifi, M. A., LL.M. (Cambridge), LL.D. (Dublin), O.B.E., I.C.S., — Avocat (Angleterre) ; Commissaire de Division, Panjab ; ancien Juge de District; ancien Membre du Conseil législatif du Panjab et du Conseil d'État de l'Inde.

Secrétaires :

Mr. W. D. Croft, — « Principal » à l'« India Office », Londres.

Mr. G. H. Silver, — « India Office », Londres.

ÉTAT LIBRE D'IRLANDE.

Délégués :

M. John J. Hearne, — Conseiller juridique au Département des Affaires extérieures.

M. J. V. Fahy, — du Département des Affaires extérieures.

M. Charles Green, — Inspecteur en chef au Département des Pêcheries.

Technical Advisers :

M. Lecourbe,	Director of Maritime Fisheries at the Ministry of the Mercantile Marine.
M. Rouchon-Mazerat,	"Maître des Requêtes" at the "Conseil d'État".
M. Dreyfus,	Assistant Director at the Ministry of Justice.
Captain Guichard,	of the Historical Service of the Navy.
M. Besson,	of the Ministry for the Colonies.
Lieutenant Commander Lambert,	of the General Staff of the Navy.

Secretaries :

M. Louis Lucien-Hubert,	Assistant Legal Adviser at the Ministry for Foreign Affairs.
M. de Panafieu,	Attaché of Embassy.

GREECE.

Delegates :

His Excellency M. N. Politis,	Former Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic.
M. Megalos A. Caloyanni,	Former Counsellor at the High Court of Appeal of Egypt, former Judge *ad hoc* of the Permanent Court of International Justice.
M. J. Spiropoulos,	Professor of International Law at the University of Salonika.

Secretaries :

M. G. Koustas,	Secretary at the Ministry for Foreign Affairs, Secretary of the Delegation.
M. D. A. Carapanos,	Private Secretary of the Head of the Delegation.

HUNGARY.

Delegate :

M Eugène de Berczelly,	Under Secretary of State, Chief of the Department of International Law at the Ministry of Justice.

Technical Delegate :

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M. Béla de Szent-Istvány,	Departmental Counsellor at the Ministry for Foreign Affairs.

INDIA.

Delegates :

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Sir Ewart Greaves,	Former Judge of the High Court, Calcutta, Doctor of Law.
Mr. A. Latifi, M.A., LL.M. (Cambridge), LL.D. (Dublin), O.B.E., I.C.S.,	Barrister-at- Law (England), Commissioner of a Division, Panjab ; former District Judge ; former Member of the Panjab Legislative Council and of the Indian Council of State.

Secretaries :

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Mr. C. H. Silver,	India Office, London.

IRISH FREE STATE.

Delegates :

Mr. John J. Hearne,	Legal Adviser to the Department of External Affairs.
Mr. J. V. Fahy,	Department of External Affairs.
Mr. Charles Green,	Chief Inspector, Department of Fisheries.

Déléguée-adjointe :

Mᵉˡˡᵉ Kathleen Phelan,	Avocate.

ISLANDE.

Délégué :

Son Excellence M. Sveinn Bjørnsson,	Envoyé extraordinaire et Ministre plénipotentiaire Représentant de l'Islande au Danemark.

ITALIE.

Délégués :

Son Excellence le Professeur Amedeo Giannini,	Ministre plénipotentiaire, Conseiller d'État, Président de la Délégation.
Le Professeur Giulio Diena,	de l'Université royale de Pavie.
Le Professeur Arrigo Cavaglieri,	de l'Université royale de Naples.
Le Professeur Gabriele Salvioli,	de l'Université royale de Pise.

Délégués techniques :

L'Amiral de Division Giuseppe Cantú.	
Le Colonel d'État-Major Camillo Rossi,	Attaché militaire à Berlin.
Le Marquis Docteur Luigi Mischi,	Directeur colonial.
Don Carlo Cao,	Avocat, Directeur colonial.
Commandatore Docteur Michele Giuliano,	Conseiller à la Cour d'Appel.
Commandatore Manlio Molfese,	Chef du Bureau de l'Aviation civile et du Trafic aérien.

Secrétaire :

Le Docteur Giuseppe Enea Setti,	Secrétaire au Ministère des Affaires étrangères.

JAPON.

Délégués :

Son Excellence le Docteur Harukazu Nagaoka.	Ambassadeur près le Président du Reich allemand.
Son Excellence le Vicomte Kintomo Mushakoji,	Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté le Roi de Suède.
Son Excellence M. Nobutaro Kawashima,	Envoyé extraordinaire et Ministre plénipotentiaire près le Président de la République hellénique.

Délégués techniques :

M. S. Tachi,	Professeur à l'Université impériale de Tokio, Membre de l'Académie impériale, Associé à l'Institut de Droit international.
M. S. Sakuma,	Premier Secrétaire d'Ambassade.

Délégués techniques-adjoints :

M. S. Ohtaka,	Secrétaire de Légation.
M. S. Hidaka,	Secrétaire d'Ambassade, Secrétaire au Bureau du Japon près la Société des Nations.
M. S. Matsumoto,	Secrétaire d'Ambassade.

Secrétaire général :

M. S. Sakuma,	Premier Secrétaire d'Ambassade.

Secrétaire :

M. Y. Konagaya,	Attaché de Légation.

Assistant Delegate :

Miss Kathleen Phelan,	Barrister-at-Law.

ICELAND.

Delegate :

His Excellency M. Sveinn Bjørnsson,	Envoy Extraordinary and Minister Plenipotentiary, Representative of Iceland in Denmark.

ITALY.

Delegates :

His Excellency Professor Amedeo Giannini,	Minister Plenipotentiary, Counsellor of State, Chairman of the Delegation.
Professor Giulio Diena,	of the Royal University of Pavia.
Professor Arrigo Cavaglieri,	of the Royal University of Naples.
Professor Gabriele Salvioli,	of the Royal University of Pisa.

Technical Delegates :

Admiral of Division Giuseppe Cantù.	
Staff Colonel Camillo Rossi,	Military Attaché at Berlin.
Marquis Dr. Luigi Mischi,	Colonial Director.
Don Carlo Cao,	Barrister-at-Law, Colonial Director.
Commendatore Dr. Michele Guiliano,	Counsellor at the Court of Appeal.
Commendatore Manlio Molfese,	Head of Department of the Civil Aviation and Air Traffic.

Secretary :

Dr. Giuseppe Enea Setti,	Secretary at the Ministry for Foreign Affairs.

JAPAN.

Delegates :

His Excellency Dr. Harukazu Nagaoka,	Ambassador to the President of the German Reich.
His Excellency Viscount Kintomo Mushakoji,	Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Sweden.
His Excellency Nobutaro Kawashima,	Envoy Extraordinary and Minister Plenipotentiary to the President of the Hellenic Republic.

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M. S. Sakuma,	First Secretary of Embassy.

Assistant Technical Delegates :

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M. S. Hidaka,	Secretary of Embassy, Secretary at the Japanese Bureau for the League of Nations.
M. S. Matumoto,	Secretary of Embassy.

Secretary-General :

M. S. Sakuma,	First Secretary of Embassy.

Secretary :

M. Y. Konagaya,	Attaché of Legation.

LETTONIE.

Délégués :

Son Excellence M. G. P. Albat,	Ministre plénipotentiaire, Secrétaire général au Ministère des Affaires étrangères, Professeur à la Faculté de Droit de l'Université de Riga, Chef de la Délégation.
Son Excellence M. Ch. Duzmans,	Envoyé extraordinaire et Ministre plénipotentiaire, près Sa Majesté le Roi de Yougoslavie, Délégué permanent auprès de la Société des Nations.
M. R. Akmentin,	Jurisconsulte au Ministère des Affaires étrangères, Professeur à la Faculté de Droit de l'Université de Riga.

Conseiller technique :

L'Amiral Comte A. Keyserling,	Chef de la Marine.

Secrétaire :

Mme M. Sanders,	Secrétaire à la Section de la Société des Nations au Ministère des Affaires étrangères.

LUXEMBOURG.

Délégués :

M. Conrad Stumper,	Docteur en droit, Conseiller de Gouvernement.
M. Albert Wehrer,	Docteur en droit, Conseiller juridique au Ministère des Affaires étrangères.

Délégué-adjoint :

M. A. Rueb,	Docteur en droit, Consul à La Haye.

ÉTATS-UNIS DU MEXIQUE.

Délégués :

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M. Antonio Castro Leal,	Observateur du Gouvernement mexicain auprès de la Société des Nations.

Secrétaire :

M. Fernández de la Regata,	Premier Secrétaire de la Légation près Sa Majesté la Reine des Pays-Bas.

MONACO.

Délégués :

M. H. E. Rey,	Consul général à La Haye.
M. Hankês Drielsma,	Avocat au Barreau de Rotterdam, Consul à Rotterdam.

NICARAGUA.

Délégué :

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NORVÈGE.

Délégués :

Son Excellence M. Arnold Raestad,	Docteur en droit, ancien Ministre des Affaires étrangères.
M. Edvin Alten,	Membre de la Cour Suprême.
M. Frede Castberg,	Docteur en droit, Professeur à l'Université d'Oslo.

LATVIA.

Delegates :

His Excellency M. G. P. Albat,	Minister Plenipotentiary, Secretary-General at the Ministry for Foreign Affairs, Professor in the Faculty of Law at the University of Riga, Head of the Delegation.
His Excellency M. Ch. Duzmans,	Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Yugoslavia, Permanent Delegate accredited to the League of Nations.
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Technical Adviser :

Admiral Count A. Keyserling,	Chief of the Navy.

Secretary :

Madame M. Sanders,	Secretary in the Section for the League of Nations at the Ministry for Foreign Affairs.

LUXEMBURG.

Delegates :

M. Conrad Stumper,	Doctor of Law, Counsellor of Government.
M. Albert Wehrer,	Doctor of Law, Legal Adviser at the Ministry for Foreign Affairs.

Assistant Delegate :

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UNITED STATES OF MEXICO.

Delegates :

M. Eduardo Suarez,	Head of the Legal Department at the Ministry for Foreign Affairs.
M. Antonio Castro Leal,	Observer of the Mexican Government attached to the League of Nations.

Secretary :

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MONACO.

Delegates :

M. H. E. Rey,	Consul General at The Hague.
M. Hankês Drielsma,	Barrister-at-law Rotterdam and Consul at Rotterdam.

NICARAGUA.

Delegate :

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NORWAY.

Delegates :

His Excellency M. Arnold Raestad,	Doctor juris, former Minister for Foreign Affairs.
M. Edvin Alten,	Member of the Supreme Court.
M. Frede Castberg,	Doctor juris, Professor at the University of Oslo.

Conseillers techniques :

M. L. J. H. Jorstad, Chef de Division au Ministère des Affaires étrangères.
M. C. F. Smith, Conseiller de Légation, Consul à San Francisco.
M. Sigurd Johannessen, Directeur de Ministère.
M. Christopher Meyer, Capitaine de corvette, Marine royale.

Secrétaire :

Mᵉˡˡᵒ Carmen Christophersen.

PAYS-BAS.

Président de la Délégation :

Jonkheer W. J. M. van Eysinga, Professeur de Droit à l'Université de Leyde, Membre de la Cour permanente d'Arbitrage.

Délégués techniques :

M. J. Limburg, Docteur en droit, Membre du Conseil d'État.
M. J. Kosters, Docteur en droit, Conseiller à la Haute-Cour.
M. J. P. A. François, Docteur en droit, Chef de la Section des Affaires de la Société des Nations au Ministère des Affaires étrangères.

Délégués :

M. W. C. Beucker Andreae, Docteur en droit, Chef de la Section juridique au Ministère des Affaires étrangères.
M. A. Neytzell de Wilde, Docteur en droit, ancien Président du « Volksraad » des Indes néerlandaises, Chef de Division au Ministère des Colonies.

Conseillers techniques :

M. G. H. Surie, Vice-amiral en retraite.
Mᵐᵉ L. C. Schönfeld-Polano, Docteur en droit, Directeur au Ministère de la Justice.
M. A. J. Hildebrandt, Docteur en droit, Directeur au Ministère des Finances.

Secrétaires :

M. J. C. Baak.
M. N. van Hasselt.
M. W. A. van Ravesteyn.

PÉROU.

Délégués :

Son Excellence M. Mariano H. Cornejo, Représentant au Conseil de la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire près le Président de la République française.
Son Excellence M. Alejandro Puente, Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté britannique.

PERSE.

Délégué :

Son Excellence M. Sepahbodi, Délégué permanent auprès de la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Délégué-adjoint :

M. A. Motamédy, Premier Secrétaire de Légation.

POLOGNE.

Délégués :

Son Excellence M. S. Sieczkowski, Sous-Secrétaire d'État au Ministère de la Justice, Chef de la Délégation.
M. S. Rundstein, Docteur en droit, Conseiller juridique au Ministère des Affaires étrangères.

Technical Advisers :

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M. C. F. Smith, — Counsellor of Legation, Consul at San Francisco.
M. Sigurd Johannessen, — Director of Ministry.
M. Christopher Meyer, — Commander, Royal Navy.

Secretary :

Mlle Carmen Christophersen.

NETHERLANDS.

President of the Delegation :

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Technical Delegates :

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M. J. Kosters, — Doctor of Law, Counsellor at the Supreme Court.
M. J. P. A. François, — Doctor of Law, Chief of the League of Nations Section at the Ministry for Foreign Affairs.

Delegates :

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M. A. Neytzell de Wilde, — Doctor of Law, Former President of the "Volksraad" of the Netherlands Indies, Chief of Division at the Colonial Ministry.

Technical Advisers :

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Mme L. C. Schönfeld-Polano, — Doctor of Law, Director at the Ministry of Justice.
M. A. J. Hildebrandt, — Doctor of Law, Director at the Ministry of Finance.

Secretaries :

M. J. C. Baak.
M. N. van Hasselt.
M. W. A. van Ravesteyn.

PERU.

Delegates :

His Excellency M. Mariano H. Cornejo, — Representative on the Council of the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic.
His Excellency M. Alejandro Puente, — Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty.

PERSIA.

Delegate :

His Excellency M. Sepahbodi, — Permanent Delegate accredited to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

Assistant Delegate :

M. A. Motamédy, — First Secretary of Legation,

POLAND.

Delegates :

His Excellency M. S. Sieczkowski, — Under-Secretary of State at the Ministry of Justice, Chief of the Delegation.
M. S. Rundstein, — Doctor of Law, Legal Adviser at the Ministry for Foreign Affairs.

Le Professeur J. Makowski, — Docteur en droit, Chef de la Section des Traités au Ministère des Affaires étrangères.

Conseiller technique :

Le Capitaine de Frégate E. Solski. — de l'État-major.

Secrétaires :

M. S. Lubomirski, — Secrétaire de la Légation près Sa Majesté la Reine des Pays-Bas.

M. W. Kulski, — Docteur en droit, Rapporteur au Ministère des Affaires étrangères.

PORTUGAL.

Délégués :

Le Docteur José Caeiro da Matta, — Recteur de l'Université de Lisbonne, Professeur aux Facultés de Droit de Coimbra et de Lisbonne, Vice-Président du Conseil supérieur d'Instruction publique.

Son Excellence le Docteur José María Vilhena Barbosa de Magalhæs, — Professeur de Droit à l'Université de Lisbonne, Membre du Comité d'Experts pour la Codification progresive du Droit international de la Société des Nations, ancien Ministre des Affaires étrangères, de la Justice et de l'Instruction publique.

Le Docteur José Lobo d'Avila Lima, — Professeur de Droit aux Universités de Lisbonne et de Coimbra, Conseiller juridique au Ministère des Affaires étrangères.

Conseiller technique :

Le Capitaine de frégate Marcelino Carlos, — Directeur des Pêcheries au Ministère de la Marine.

Secrétaire :

Le Docteur Antonio de Faria, — Secrétaire de Légation au Bureau portugais de la Société des Nations au Ministère des Affaires étrangères.

ROUMANIE.

Délégués :

Son Excellence M. Nicolas Titulesco, — Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté britannique, Professeur à l'Université de Bucarest, Délégué permanent auprès de la Société des Nations, Président de la Délégation.

M. Demètre Negulesco, — Professeur de Droit international à l'Université de Bucarest, Juge suppléant à la Cour permanente de Justice internationale, Associé de l'Institut de Droit international, Vice-Président de la Délégation.

M. Constantin Sipsom, — Professeur de Droit civil à l'Université de Bucarest, Jurisconsulte au Ministère des Affaires étrangères.

M. Georges Meitani, — Professeur de Droit international à l'Université de Bucarest.

Délégué-adjoint :

M. N. Dascovici, — Professeur de Droit international public à l'Université de Jassy.

SALVADOR.

Délégué :

Son Excellence le Docteur J. Gustavo Guerrero, — Délégué permanent auprès de la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire près le Président de la République française.

Professor J. Makowski,	Doctor of Law, Chief of the Treaty Section in the Ministry for Foreign Affairs.
Technical Adviser :	
Commander E. Solski,	of the Staff.
Secretaries :	
M. S. Lubomirski,	Secretary of the Legation to Her Majesty the Queen of the Netherlands.
M. W. Kulski,	Doctor of Law, Rapporteur in the Ministry for Foreign Affairs.

PORTUGAL.

Delegates :	
Dr. José Caeiro da Matta,	Rector of the University of Lisbon, Professor at the Coimbra and Lisbon Faculties of Law, Vice President of the Higher Council of Public Education.
His Excellency Dr. José María Vilhena Barbosa de Magalhæs,	Professor of Law at the University of Lisbon, Member of the Committee of Experts for the Progressive Codification of International Law of the League of Nations, former Minister for Foreign Affairs, of Justice and of Public Education.
Dr. José Lobo d'Avila Lima,	Professor of Law at the Universities of Lisbon and Coimbra, Legal Adviser at the Ministry for Foreign Affairs.
Technical Adviser :	
Commander Marcelino Carlos,	Director of Fisheries at the Ministry of Marine.
Secretary :	
Dr. Antonio de Faria,	Secretary of Legation at the Portuguese League of Nations Office in the Ministry for Foreign Affairs

ROUMANIA.

Delegates :	
His Excellency M. Nicolas Titulesco,	Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty, Professor at the University of Bucharest, Permanent Delegate accredited to the League of Nations, President of the Delegation.
M. Demètre Negulesco,	Professor of International Law at the University of Bucharest, Deputy-Judge of the Permanent Court of International Justice, Associate of the Institute of International Law, Vice-President of the Delegation.
M. Constantin Sipsom,	Professor of Civil Law at the University of Bucharest, Legal Adviser at the Ministry for Foreign Affairs.
M. Georges Meitani,	Professor of International Law at the University of Bucharest.
Assistant Delegate :	
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SALVADOR.

Delegate :	
His Excellency Dr. J. Gustavo Guerrero,	Permanent Delegate accredited to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic.

SUÈDE.

Délégués :

Son Excellence M. A. J. P. de Adlercreutz,	Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté la Reine des Pays-Bas.
Son Excellence M. A. E. M. Sjöborg,	Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté le Roi d'Italie.
M. K. K. F. Malmar,	Directeur de la Division juridique au Ministère des Affaires étrangères.

Conseillers techniques :

M. K. S. T. N. Gihl,	Premier archiviste au Ministère des Affaires étrangères.
M. N. L. Åkerblom,	Commodore, Chef de Section de l'État-major de la Marine.

Secrétaire :

M. T. L. Hammarström,	Deuxième Secrétaire de la Légation près Sa Majesté la Reine des Pays-Bas.

SUISSE.

Délégués :

M. Victor Merz,	Juge fédéral.
Son Excellence M. Paul Dinichert,	Ministre plénipotentiaire, Chef de la Division des Affaires étrangères du Département politique fédéral.

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M. Camille Gorgé,	Premier Chef de Section au Département politique fédéral.

TCHÉCOSLOVAQUIE.

Délégués :

Son Excellence M. Miroslav Plešinger-Božinov,	Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté la Reine des Pays-Bas, Chef de la Délégation.
Le Docteur Václav Joachim,	Chef de Section au Ministère de l'Intérieur, Privat-docent du droit public, Directeur-adjoint de l'École libre des Sciences politique à Prague.
Le Docteur Antonín Koukal,	Conseiller de Première Classe au Ministère de la Justice.
Le Docteur František Sitensky,	Conseiller de Première Classe au Ministère du Commerce.

Experts

La Doctoresse Milada Král-Horaková,	
Le Docteur Bohumil Kučera,	Secrétaire de la Légation près sa Majesté la Reine des Pays-Bas Privat-docent du Droit international privé et public.

Secrétaires :

Le Docteur Vladimir Matějka,	Premier Secrétaire de la Légation près Sa Majesté la Reine des Pays-Bas.

TURQUIE.

Délégués :

Son Excellence Nousret Bey,	Président du Conseil d'État, Président de la Délégation.
Veli Bey,	Jurisconsulte du Ministère des Affaires étrangères.
Le Docteur Chinasi Bey,	Directeur au Ministère de la Justice.

SWEDEN.

Delegates :

His Excellency M. A. J. P. de Adlercreutz,	Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands.
His Excellency M. A. E. M. Sjöborg,	Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Italy.
M. K. K. F. Malmar,	Director of the Legal Division at the Ministry for Foreign Affairs.

Technical Advisers :

M. K. S. T. N. Gihl,	Chief of Archives at the Ministry for Foreign Affairs.
M. N. L. Åkerblom,	Commodore, Chief of Section of the General Staff of the Navy.

Secretary :

M. T. L. Hammarström,	Second Secretary of the Legation to Her Majesty the Queen of the Netherlands.

SWITZERLAND.

Delegates :

M. Victor Merz,	Federal Judge.
His Excellency M. Paul Dinichert,	Minister Plenipotentiary, Chief of the Division for Foreign Affairs in the Federal Political Department.

Technical Delegates :

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M. Camille Gorgé,	First Chief of Section at the Federal Political Department.

CZECHOSLOVAKIA.

Delegates :

His Excellency M. Miroslav Plešinger-Božinov,	Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands, Head of the Delegation.
Dr. Václav Joachim,	Chief of Section in the Ministry of the Interior, Privatdocent of Public Law, Assistant Director of the Free School of Political Sciences at Prague.
Dr. Antonín Kouka.,	Chief Counsellor at the Ministry of Justice.
Dr. František Sitensky,	Chief Counsellor at the Ministry of Commerce.

Experts :

Mme Dr. Milada Král-Horaková	
Dr. Bohumil Kučera,	Secretary of the Legation to Her Majesty the Queen of the Netherlands, Privat-docent of private and public International Law.

Secretaries :

Dr. Vladimir Matějka,	First Secretary of the Legation to Her Majesty the Queen of the Netherlands.

TURKEY.

Delegates :

His Excellency Nousret Bey,	President of the "Conseil d'Etat", President of the Delegation.
Veli Bey,	Legal Adviser of the Ministry for Foreign Affairs.
Dr. Chinasi Bey,	Director at the Ministry of Justice.

URUGUAY.

Délégué :

Son Excellence le Docteur Enrique Buero,	Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté le Roi des Belges et près Sa Majesté la Reine des Pays-Bas.

YOUGOSLAVIE (Royaume de).

Délégués :

Son Excellence M. Bochko Christitch,	Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté la Reine des Pays-Bas, Président de la Délégation.
Le Docteur Miléta Novakovitch,	Professeur à l'Université de Belgrade, ancien Juge *ad hoc* à la Cour permanente de Justice internationale.
Le Docteur Anté Verona,	Recteur de l'École des Hautes Études économiques et commerciales à Zagreb.

Délégué-adjoint :

Le Docteur Ivan V. Soubbotitch,	Chef de Section au Ministère des Affaires étrangères.

Conseiller technique :

Le Docteur Slavko Stoikovitch,	Attaché à la Commission des Réparations.
Mme Anne Godyevatz,	Licenciée en droit.

et comme OBSERVATEURS :

UNION DES RÉPUBLIQUES SOVIÉTISTES SOCIALISTES.

Son Excellence M. Dmitri Kourski,	Ambassadeur près Sa Majesté le Roi d'Italie.

Assisté de :

M. Georges Lachkevitch,	Conseiller juridique à l'Ambassade près le Président de la République française.
M. Vladimir Egoriew,	Conseiller juridique au Commissariat du Peuple pour les Affaires étrangères.

qui se sont réunis à La Haye le 13 mars 1930, sous la présidence de Monsieur HEEMSKERK, ancien premier Ministre des Pays-Bas, assisté de Monsieur J. A. BUERO, Conseiller juridique du Secrétariat de la Société des Nations, comme Secrétaire général, tous deux ayant été désignés en cette qualité par le Conseil de la Société des Nations.

Mr. DAVID HUNTER MILLER (*États-Unis d'Amérique*), Dr HARUKAZU NAGAOKA (*Japon*), et Monsieur EDUARDO SUAREZ (*Mexique*) ont été élus Vice-Présidents.

Monsieur H. DANIELS, Secrétaire au Ministère des Affaires étrangères des Pays-Bas, a été désigné comme Secrétaire général adjoint.

Les trois questions à l'ordre du jour de la Conférence, à savoir : *Nationalité*, *Eaux territoriales* et *Responsabilité des États pour dommages causés sur leur territoire à la personne et aux biens des étrangers*, ont été soumises chacune à l'examen d'une Commission.

La Commission de la Nationalité a été présidée par Monsieur N. POLITIS (*Grèce*), assisté de Monsieur CHAO-CHU WU (*Chine*), Vice-Président, et de Monsieur J. G. GUERRERO (*Salvador*), Rapporteur.

La Commission des Eaux territoriales a été présidée par Monsieur GÖPPERT (*Allemagne*), assisté de Monsieur Antonio GOICOECHEA (*Espagne*), Vice-Président, et de Monsieur J. P. A. FRANÇOIS (*Pays-Bas*), Rapporteur.

La Commission de la Responsabilité a été présidée par Monsieur Jules BASDEVANT (*France*), assisté de Monsieur A. DIAZ DE VILLAR (*Cuba*), Vice-Président, et de Monsieur C. DE VISSCHER (*Belgique*), Rapporteur.

La Conférence a aussi désigné un Comité de rédaction composé de M. Amedeo GIANNINI (*Italie*), Président, M. E. PÉPIN (*France*), Rapporteur, et de M. W. E. BECKETT (*Royaume-Uni*), M. Miguel CRUCHAGA-TOCORNAL (*Chili*), M. Manley O. HUDSON (*États-Unis d'Amérique*), M. Henri ROLIN (*Belgique*).

A la suite des délibérations consignées dans les procès-verbaux des séances plénières et des séances de commission qui ont eu lieu du 13 mars au 12 avril 1930, un certain nombre d'actes, résolutions, recommandations et vœux ont été élaborés.

URUGUAY.

Delegate :

His Excellency Dr. Enrique Buero,	Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians and to Her Majesty the Queen of the Netherlands.

YUGOSLAVIA (Kingdom of).

Delegates :

His Excellency M. Bochko Christitch,	Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands, President of the Delegation
Dr. Miléta Novakovitch,	Professor at the University of Belgrade, former Judge *ad hoc* of the Permanent Court of International Justice.
Dr. Anté Verona,	Rector of the School of Higher Economic and Commercial Studies at Zagreb.

Assistant Delegate :

Dr. Ivan V. Soubbotitch,	Chief of Section in the Ministry for Foreign Affairs.

Technical Adviser :

Dr. Slavko Stoikovitch,	Attaché at the Reparations Commission.
Mme Anne Godyevatz,	Graduate-in-Law.

and as OBSERVERS:

UNION OF SOVIET SOCIALIST REPUBLICS.

His Excellency M. Dmitri Kourski,	Ambassador to His Majesty the King of Italy.

Assisted by :

M. George Lachkevitch,	Legal Adviser at the Embassy to the President of the French Republic.
M. Vladimir Egoriew,	Legal Adviser at the "People's Commissariat" for Foreign Affairs.

who met at The Hague on 13th March, 1930, with, as President, Monsieur HEEMSKERK, formerly Prime Minister of the Netherlands, and, as Secretary-General, Monsieur J. A. BUERO, Legal Adviser of the Secretariat of the League of Nations, appointed in their respective capacities by the Council of the League of Nations.

Mr. DAVID HUNTER MILLER (*United States of America*), Dr. HARUKAZU NAGAOKA (*Japan*) and Monsieur EDUARDO SUAREZ (*Mexico*) were elected Vice-Presidents.

Monsieur H. DANIELS, Secretary at the Ministry for Foreign Affairs of the Netherlands, was appointed Deputy Secretary-General.

The three questions on the agenda of the Conference, that is to say, *Nationality*, *Territorial Waters* and the *Responsibility of States for Damage caused in their Territory to the Person or Property of Foreigners*, were each examined by a Committee.

The Committee on Nationality was presided over by M. N. POLITIS (*Greece*), assisted by M. CHAO-CHU WU (*China*), Vice-Chairman, and Dr. J. G. GUERRERO (*Salvador*), Rapporteur.

The Committee on Territorial Waters was presided over by M. GÖPPERT (*Germany*), assisted by M. Antonio GOICOECHEA (*Spain*), Vice-Chairman, and M. J. P. A. FRANÇOIS (*Netherlands*), Rapporteur.

The Committee on Responsibility was presided over by M. Jules BASDEVANT (*France*), assisted by M. A. DIAZ DE VILLAR (*Cuba*), Vice-Chairman, and M. C. DE VISSCHER (*Belgium*), Rapporteur.

The Conference also appointed a Drafting Committee consisting of M. Amedeo GIANNINI (*Italy*), Chairman, M. E. PÉPIN (*France*), as Rapporteur, and Mr. W. E. BECKETT (*United Kingdom*), M. Miguel CRUCHAGA-TOCORNAL (*Chile*), Mr. Manley O. HUDSON (*United States of America*) and M. Henri ROLIN (*Belgium*).

As a result of the discussions which are recorded in the minutes of the plenary meetings and of the meetings of the Committees, which were held from the 13th March to the 12th April, 1930, a number of instruments, resolutions and recommendations were drawn up.

A. — NATIONALITÉ

Les dispositions élaborées par la Commission de la nationalité ont fait l'objet de la Convention et des Protocoles suivants :

1. Convention concernant certaines questions relatives aux conflits de loi sur la nationalité.
2. Protocole relatif aux obligations militaires dans certains cas de double nationalité.
3. Protocole relatif à un cas d'apatridie.
4. Protocole spécial relatif à l'apatridie.

Cette Convention et ces Protocoles forment autant d'actes séparés, qui porteront la date de ce jour et resteront, jusqu'au 31 décembre 1930, ouverts à la signature.

De plus, les vœux suivants ont été émis :

I.

La Conférence, à l'unanimité, estime hautement désirable

que les États s'efforcent, dans l'exercice de leur liberté de réglementation en matière de nationalité, de réduire autant que possible les cas d'apatridie,

et que la Société des Nations continue l'œuvre qu'elle a déjà entreprise en vue d'arriver à une entente internationale sur ce grave problème.

II.

La Conférence recommande aux Etats d'examiner s'il serait désirable que, dans le cas où un individu perd sa nationalité sans en acquérir une autre, l'État dont il possédait en dernier lieu la nationalité doive l'admettre sur son territoire, à la demande du pays où il réside, et à des conditions autres que celles spécifiées au Protocole spécial relatif à l'apatridie, adopté par la Conférence.

III.

La Conférence, à l'unanimité, estime hautement désirable

que les États s'efforcent, dans l'exercice de leur liberté de réglementation en matière de nationalité, de réduire autant que possible les cas de double nationalité,

et que la Société des Nations envisage les moyens de réaliser une entente internationale au sujet de la solution des différents conflits résultant du fait qu'un individu possède deux ou plusieurs nationalités.

IV.

La Conférence recommande aux États d'adopter des mesures législatives en vue de faciliter aux individus ayant à leur naissance plusieurs nationalités la renonciation à la nationalité des pays dans lesquels ils ne résident pas, sans faire dépendre cette renonciation de conditions qui ne seraient pas indispensables.

V.

Il est désirable que les États appliquent le principe que l'acquisition d'une nationalité étrangère par voie de naturalisation, entraîne la perte de la nationalité antérieure.

Il est également désirable, tant que le principe ci-dessus ne sera pas universellement appliqué, que les États, avant d'attribuer leur nationalité par voie de naturalisation, se préoccupent de savoir si l'intéressé a rempli ou est en mesure de remplir les conditions requises par la loi de son pays pour la perte de sa nationalité.

VI.

La Conférence recommande aux États l'examen de la question de savoir s'il ne serait pas possible :

1. de consacrer dans leur droit le principe de l'égalité des sexes en matière de nationalité, en prenant particulièrement en considération l'intérêt des enfants,

2. et de décider spécialement que désormais, la nationalité de la femme ne sera pas en principe affectée sans son consentement, soit par le seul fait de son mariage, soit par celui du changement de nationalité de son mari.

VII.

La Conférence exprime le vœu que la femme qui, tout en ayant perdu par suite de son mariage sa nationalité antérieure, n'a pas acquis celle de son mari, puisse obtenir un passeport de l'État dont son mari est ressortissant.

A.—NATIONALITY.

The provisions which were drawn up by the Committee on Nationality were embodied in the following Convention and Protocols :

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

2. Protocol relating to military obligations in certain cases of double nationality.
3. Protocol relating to a certain case of statelessness.
4. Special Protocol relating to statelessness.

The Convention and Protocols constitute separate instruments, which will bear today's date and remain open for signature until the 31st December, 1930.

In addition the following recommendations were formulated:

I.

The Conference is unanimously of the opinion that it is very desirable

that States should, in the exercise of their power of regulating questions of nationality, make every effort to reduce so far as possible cases of statelessness,

and that the League of Nations should continue the work which it has already undertaken for the purpose of arriving at an international settlement of this important matter.

II.

The Conference recommends States to examine whether it would be desirable that, in cases where a person loses his nationality without acquiring another nationality, the State whose nationality he last possessed should be bound to admit him to its territory, at the request of the country where he is, under conditions different from those set out in the Special Protocol relating to statelessness, which has been adopted by the Conference.

III.

The Conference is unanimously of the opinion that it is very desirable

that States should, in the exercise of their power of regulating questions of nationality, make every effort to reduce so far as possible cases of dual nationality,

and that the League of Nations should consider what steps may be taken for arriving at an international settlement of the different conflicts which arise from the possession by an individual of two or more nationalities.

IV.

The Conference recommends that States should adopt legislation designed to facilitate, in the case of persons possessing two or more nationalities at birth, the renunciation of the nationality of the countries in which they are not resident, without subjecting such renunciation to unnecessary conditions.

V.

It is desirable that States should apply the principle that the acquisition of a foreign nationality through naturalisation involves the loss of the previous nationality.

It is also desirable that, pending the complete realisation of the above principle, States before conferring their nationality by naturalisation should endeavour to ascertain that the person concerned has fulfilled, or is in a position to fulfil, the conditions required by the law of his country for the loss of its nationality.

VI.

The Conference recommends to States the study of the question whether it would not be possible

1. to introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children,

2. and especially to decide that in principle the nationality of the wife shall henceforth not be affected without her consent either by the mere fact of marriage or by any change in the nationality of her husband.

VII.

The Conference recommends that a woman who, in consequence of her marriage, has lost her previous nationality without acquiring that of her husband, should be able to obtain a passport from the State of which her husband is a national.

VIII.

La Conférence attire l'attention des États sur l'utilité d'examiner, à une prochaine conférence, les questions ayant trait à la preuve de la nationalité.

Il serait hautement désirable de déterminer la valeur juridique des certificats de nationalité délivrés ou à délivrer par les autorités compétentes, et de fixer les conditions de leur reconnaissance par les autres États.

B. — MER TERRITORIALE

La Commission des Eaux territoriales a estimé que l'expression « mer territoriale » était la plus appropriée.

Elle a consigné le résultat de ses travaux dans un Rapport accompagné de trois Annexes.

En outre, la Conférence a adopté la résolution et les vœux suivants :

I.

RÉSOLUTION.

La Conférence,

Considérant que les discussions ont fait apparaître, sur certaines questions de fond, des divergences de vues qui, pour le moment, ne permettent pas d'arriver à la conclusion d'une convention relative à la mer territoriale, et

Estimant que cette œuvre de codification doit être continuée :

1) Prie le Conseil de la Société des Nations de communiquer aux Gouvernements les articles, annexés à la présente résolution et concernant le régime juridique de la mer territoriale, qui ont été conçus et approuvés à titre provisoire comme parties éventuelles d'une convention d'ensemble relative à la mer territoriale ;

2) Prie le Conseil de la Société des Nations d'inviter les Gouvernements à continuer, à la lumière des discussions de la Conférence, l'étude de l'étendue de la mer territoriale et des questions connexes et à rechercher les moyens les mieux appropriés pour faciliter l'œuvre de codification ;

3) Prie le Conseil de la Société des Nations de bien vouloir examiner s'il y a lieu d'inviter les États maritimes à faire parvenir au Secrétaire général des renseignements officiels au sujet des lignes de base adoptées par eux pour la mesure de leurs zones de mer territoriale ;

4) Recommande au Conseil de la Société des Nations de convoquer, aussitôt qu'il le jugera opportun, une nouvelle conférence, soit pour la conclusion d'une convention sur l'ensemble des questions relatives à la mer territoriale, soit même, si cela paraissait désirable, d'une convention limitée aux points visés à l'Annexe ci-après.

Annexe.

RÉGIME JURIDIQUE DE LA MER TERRITORIALE

DISPOSITIONS GÉNÉRALES.

Article premier.

Le territoire de l'État comprend une zone de mer désignée dans cette Convention sous le nom de mer territoriale.

La souveraineté sur cette zone s'exerce dans les conditions fixées par la présente Convention et par les autres règles du droit international.

Article 2.

Le territoire de l'État riverain comprend aussi l'espace atmosphérique au-dessus de la mer territoriale, ainsi que le sol recouvert par cette mer et le sous-sol.

Les dispositions de la présente Convention ne portent pas atteinte aux conventions et aux autres règles du droit international relatives à l'exercice de la souveraineté dans ces domaines.

DROIT DE PASSAGE.

Article 3.

Le « passage » est le fait de naviguer dans la mer territoriale, soit pour la traverser, sans entrer dans les eaux intérieures, soit pour se rendre dans les eaux intérieures, soit pour prendre le large en venant des eaux intérieures.

VIII.

The Conference draws the attention of States to the advisability of examining at a future conference questions connected with the proof of nationality.

It would be highly desirable to determine the legal value of certificates of nationality which have been, or may be, issued by the competent authorities, and to lay down the conditions for their recognition by other States.

B.—TERRITORIAL SEA.

The Committee on Territorial Waters felt that the expression "territorial sea" was more appropriate.

This Committee embodied the results of its work in a Report with three Annexes.

In addition the Conference adopted the following resolution and recommendations:

I.

RESOLUTION.

The Conference,

Notes that the discussions have revealed, in respect of certain fundamental points, a divergence of views which for the present renders the conclusion of a convention on the territorial sea impossible but considers that the work of codification on this subject should be continued. It therefore:

1. Requests the Council of the League of Nations to communicate to the Governments the articles, annexed to the present Resolution and dealing with the legal status of the territorial sea, which have been drawn up and provisionally approved with a view to their possible incorporation in a general convention on the territorial sea;

2. Requests the Council of the League of Nations to invite the various Governments to continue, in the light of the discussions of this Conference, their study of the question of the breadth of the territorial sea, and questions connected therewith, and to endeavour to discover means of facilitating the work of codification;

3. Requests the Council of the League of Nations to be good enough to consider whether the various maritime States should be asked to transmit to the Secretary-General official information regarding the base lines adopted by them for the determination of their belts of territorial sea;

4. Recommends the Council of the League of Nations to convene, as soon as it deems it opportune, a new conference either for the conclusion of a general convention on all questions connected with the territorial sea, or even—if that course should seem desirable—of a convention limited to the points dealt with in the Annex.

Annex.

THE LEGAL STATUS OF THE TERRITORIAL SEA.

GENERAL PROVISIONS.

Article 1.

The territory of a State includes a belt of sea described in this Convention as the territorial sea.

Sovereignty over this belt is exercised subject to the conditions prescribed by the present Convention and the other rules of international law.

Article 2.

The territory of a Coastal State includes also the air space above the territorial sea, as well as the bed of the sea, and the subsoil.

Nothing in the present Convention prejudices any conventions or other rules of international law relating to the exercise of sovereignty in these domains.

RIGHT OF PASSAGE.

Article 3.

"Passage" means navigation through the territorial sea for the purpose either of traversing that sea without entering inland waters, or of proceeding to inland waters, or of making for the high sea from inland waters.

Un passage n'est pas *inoffensif* lorsque le navire utilise la mer territoriale d'un État riverain aux fins d'accomplir un acte portant atteinte à la sécurité, à l'ordre public ou aux intérêts fiscaux de cet État.

Le passage comprend éventuellement le droit de stoppage et le mouillage, mais seulement dans la mesure où l'arrêt et le mouillage constituent des incidents ordinaires de navigation ou s'imposent au navire en état de relâche forcée ou de détresse.

I. NAVIRES AUTRES QUE LES BÂTIMENTS DES MARINES DE GUERRE.

Article 4.

L'État riverain ne peut entraver le passage inoffensif des navires étrangers dans la mer territoriale.

Les navires sous-marins ont l'obligation de passer en surface.

Article 5.

Le droit de passage ne fait pas obstacle à ce que l'État riverain prenne toutes les mesures nécessaires pour prévenir, dans la mer territoriale, toute atteinte à sa sécurité, à son ordre public et à ses intérêts fiscaux, et, en ce qui concerne les navires se rendant dans les eaux intérieures, toute violation des conditions auxquelles l'admission de ces navires est subordonnée.

Article 6.

Les navires étrangers qui usent du droit de passage devront se conformer aux lois et règlements édictés, en conformité avec la coutume internationale, par l'État riverain, notamment en ce qui concerne :

a) la sécurité du trafic et la conservation des passes et du balisage ;

b) la protection des eaux de l'État riverain contre les diverses pollutions auxquelles elles peuvent être exposées du fait des navires ;

c) la conservation des richesses de la mer territoriale ;

d) les droits de pêche, de chasse, et droits analogues appartenant à l'État riverain.

L'État riverain ne peut, toutefois, établir une discrimination entre les navires étrangers de nationalités diverses, ni, sauf en ce qui concerne la pêche et la chasse, entre les navires nationaux et les navires étrangers.

Article 7.

Il ne peut être perçu de taxes sur les navires étrangers en raison de leur simple passage dans la mer territoriale.

Des taxes ne peuvent être perçues sur un navire étranger passant dans la mer territoriale qu'en rémunération de services particuliers rendus à ce navire. Ces taxes seront perçues sans discrimination.

Article 8.

L'État riverain ne peut procéder, à bord d'un navire étranger passant dans la mer territoriale, à l'arrestation d'une personne ou à des actes d'instruction à raison d'une infraction pénale commise à bord de ce navire lors dudit passage, que dans l'un ou l'autre des cas ci-après :

1) si les conséquences de l'infraction s'étendent hors du navire ;

2) si l'infraction est de nature à troubler la paix publique du pays, ou le bon ordre dans la mer territoriale ;

3) si l'assistance des autorités locales a été demandée par le capitaine du navire, ou le consul de l'État dont le navire bat pavillon.

Les dispositions ci-dessus ne portent pas atteinte au droit de l'État riverain de procéder à des arrestations ou à des actes d'instruction prévus dans sa législation à bord d'un navire étranger qui se trouve dans ses eaux intérieures, ou qui stationne dans la mer territoriale, ou bien qui passe dans la mer territoriale en provenance des eaux intérieures.

Toutefois, l'autorité locale doit tenir compte des intérêts de la navigation à l'occasion d'une arrestation à bord du navire.

Article 9.

L'État riverain ne peut pas arrêter ni dérouter un navire étranger passant dans la mer territoriale, pour l'exercice de la juridiction civile à l'égard d'une personne se trouvant à bord. Il ne peut pratiquer à l'égard de ce navire de mesures d'exécution ou de mesures conservatoires en matière civile, que si ces mesures sont prises en raison d'obligations assumées ou de responsabilités encourues par ledit navire, en vue de la navigation lors de ce passage dans les eaux de l'État riverain.

La disposition ci-dessus ne porte pas atteinte au droit de l'État riverain de prendre des mesures d'exécution ou des mesures conservatoires en matière civile, que peut autoriser sa législation, à l'égard d'un navire étranger qui se trouve dans ses eaux intérieures, ou qui stationne dans la mer territoriale, ou bien qui passe dans la mer territoriale, en provenance des eaux intérieures.

Passage is not *innocent* when a vessel makes use of the territorial sea of a Coastal State for the purpose of doing any act prejudicial to the security, to the public policy or to the fiscal interests of that State.

Passage includes stopping and anchoring, but in so far only as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or by distress.

I. VESSELS OTHER THAN WAR SHIPS.

Article 4.

A Coastal State may put no obstacles in the way of the innocent passage of foreign vessels in the territorial sea.

Submarine vessels shall navigate on the surface.

Article 5.

The right of passage does not prevent the Coastal State from taking all necessary steps to protect itself in the territorial sea against any act prejudicial to the security, public policy or fiscal interests of the State, and, in the case of vessels proceeding to inland waters, against any breach of the conditions to which the admission of those vessels to those waters is subject.

Article 6.

Foreign vessels exercising the right of passage shall comply with the laws and regulations enacted in conformity with international usage by the Coastal State, and, in particular, as regards :

(*a*) the safety of traffic and the protection of channels and buoys ;

(*b*) the protection of the waters of the Coastal State against pollution of any kind caused by vessels ;

(*c*) the protection of the products of the territorial sea :

(*d*) the rights of fishing, shooting and analogous rights belonging to the Coastal State.

The Coastal State may not, however, apply these rules or regulations in such a manner as to discriminate between foreign vessels of different nationalities, nor, save in matters relating to fishing and shooting, between national vessels and foreign vessels.

Article 7.

No charge may be levied upon foreign vessels by reason only of their passage through the territorial sea.

Charges may only be levied upon a foreign vessel passing through the territorial sea as payment for specific services rendered to the vessel. These charges shall be levied without discrimination.

Article 8.

A Coastal State may not take any steps on board a foreign vessel passing through the territorial sea to arrest any person or to conduct any investigation by reason of any crime committed on board the vessel during its passage, save only in the following cases :

(1) if the consequences of the crime extend beyond the vessel ; or

(2) if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea ; or

(3) if the assistance of the local authorities has been requested by the captain of the vessel or by the consul of the country whose flag the vessel flies.

The above provisions do not affect the right of the Coastal State to take any steps authorised by its laws for the purpose of an arrest or investigation on board a foreign vessel in the inland waters of that State or lying in its territorial sea, or passing through the territorial sea after leaving the inland waters.

The local authorities shall in all cases pay due regard to the interests of navigation when making an arrest on board a vessel.

Article 9.

A Coastal State may not arrest nor divert a foreign vessel passing through the territorial sea, for the purpose of exercising civil jurisdiction in relation to a person on board the vessel. A Coastal State may not levy execution against or arrest the vessel for the purpose of any civil proceedings save only in respect of obligations or liabilities incurred by the vessel itself in the course of or for the purpose of its voyage through the waters of the Coastal State.

The above provisions are without prejudice to the right of the Coastal State in accordance with its laws to levy execution against, or to arrest, a foreign vessel in the inland waters of the State or lying in the territorial sea, or passing through the territorial sea after leaving the inland waters of the State, for the purpose of any civil proceedings.

Article 10.

Les règles ci-dessus énoncées, prévues par les articles 8 et 9, réservent la question du traitement des navires exclusivement affectés à un service gouvernemental et non commercial, ainsi que des personnes se trouvant à bord de ces navires.

Article 11.

La poursuite d'un navire étranger pour infractions aux lois et règlements de l'État riverain, commencée alors que le navire étranger se trouve dans ses eaux intérieures ou dans la mer territoriale, peut être continuée hors de la mer territoriale, à condition que la poursuite n'ait pas été interrompue. Le droit de poursuite cesse dès que le navire poursuivi entre dans la mer territoriale de son pays ou d'une tierce Puissance.

La poursuite ne peut être considérée comme commencée que si le navire poursuivant s'est assuré par des relèvements, des mesures d'angle, ou d'une autre façon, que le navire poursuivi ou l'une de ses embarcations se trouve dans les limites de la mer territoriale, et qu'il a commencé la poursuite en donnant le signal de stopper. L'ordre de stopper doit être donné à une distance telle qu'il puisse être vu ou entendu du navire.

En cas de capture en haute mer, le fait sera notifié sans délai à l'État dont le navire capturé porte le pavillon.

2. BÂTIMENTS DES MARINES DE GUERRE.

Article 12.

En règle générale, l'État riverain n'empêchera pas le passage des bâtiments de guerre étrangers dans sa mer territoriale et n'exigera pas une autorisation ou notification préalables.

L'État riverain a le droit de régler les conditions de ce passage.

Les navires de guerre sous-marins ont l'obligation de passer en surface.

Article 13.

En cas d'inobservation des règles de l'État riverain par le navire de guerre de passage dans la mer territoriale, et faute par ce navire de tenir compte de l'invitation qui lui serait adressée de s'y conformer, la sortie du navire hors de la mer territoriale peut être exigée par l'État riverain.

II.

VŒU CONCERNANT LES EAUX INTÉRIEURES.

La Conférence émet le vœu

que la Convention sur le régime international des ports maritimes, signée à Genève le 9 décembre 1923, soit complétée par l'adoption de dispositions réglant l'étendue des pouvoirs judiciaires des États à l'égard des navires se trouvant dans leurs eaux intérieures.

III.

VŒU SUR LA PROTECTION DE LA PÊCHE.

La Conférence,

Prenant en considération l'importance que présente pour certains pays l'industrie de la pêche ;

Tenant compte, d'autre part, que la protection des diverses espèces de la faune marine doit être envisagée non seulement pour la mer territoriale, mais en dehors de celle-ci ;

Constatant qu'elle ne pourrait, sans sortir du domaine de sa compétence, aborder ce problème d'ensemble ni préjuger les solutions qu'il comporte ;

Ne perdant d'ailleurs pas de vue les initiatives déjà prises à cet égard par certains organes de la Société des Nations,

Tient à affirmer tout l'intérêt qui s'attache aux travaux entrepris ou à entreprendre en ce sens, soit sur le terrain des recherches scientifiques, soit sur le terrain des réalisations pratiques, c'est-à-dire des mesures de protection et de collaboration qui s'imposent pour la protection de richesses qui constituent un patrimoine commun.

C. — RESPONSABILITÉ DES ÉTATS.

La Commission de la Responsabilité n'a pu achever l'étude du problème de la responsabilité des États pour dommages causés sur leur territoire à la personne ou aux biens des étrangers, et par suite n'a pas été en mesure de présenter à la Conférence des conclusions.

Article 10.

The provisions of the two preceding Articles (Arts. 8 and 9) are without prejudice to the question of the treatment of vessels exclusively employed in a governmental and non-commercial service, and of the persons on board such vessels.

Article 11.

The pursuit of a foreign vessel for an infringement of the laws and regulations of a Coastal State begun when the foreign vessel is within the inland waters or territorial sea of the State, may be continued outside the territorial sea so long as the pursuit has not been interrupted. The right of pursuit ceases as soon as the vessel which is pursued enters the territorial sea of its own country or of a third State.

The pursuit shall only be deemed to have begun when the pursuing vessel has satisfied itself by bearings, sextant angles, or other like means that the pursued vessel or one of its boats is within the limits of the territorial sea, and has begun the pursuit by giving the signal to stop. The order to stop shall be given at a distance which enables it to be seen or heard by the other vessel.

A capture on the high sea shall be notified without delay to the State whose flag the captured vessel flies.

2. WARSHIPS.

Article 12.

As a general rule, a Coastal State will not forbid the passage of foreign warships in its territorial sea and will not require a previous authorisation or notification.

The Coastal State has the right to regulate the conditions of such passage.

Submarines shall navigate on the surface.

Article 13.

If a foreign warship passing through the territorial sea does not comply with the regulations of the Coastal State and disregards any request for compliance which may be brought to its notice, the Coastal State may require the warship to leave the territorial sea.

II.

RECOMMENDATION CONCERNING INLAND WATERS.

The Conference recommends

that the Convention on the international régime of maritime ports, signed at Geneva on the 9th December, 1923, should be supplemented by the adoption of provisions regulating the scope of the judicial powers of States with regard to vessels in their inland waters.

III.

RECOMMENDATION CONCERNING THE PROTECTION OF FISHERIES.

The Conference,

Taking into consideration the importance of the fishing industry to certain countries ;

Recognising further that the protection of the various products of the sea must be considered not only in relation to the territorial sea but also to the waters beyond it ;

And that it is not competent to deal with these problems nor to do anything to prejudge their solution ;

Noting also the steps already initiated on these subjects by certain organs of the League of Nations,

Desires to affirm the importance of the work already undertaken or to be undertaken regarding these matters, either through scientific research, or by practical methods, that is measures of protection and collaboration which may be recognised as necessary for the safeguarding of riches constituting the common patrimony.

C.—RESPONSIBILITY OF STATES.

The Responsibility Committee was unable to complete its study of the question of the responsibility of States for damage caused on their territory to the person or property of foreigners, and accordingly was unable to make any report to the Conference.

D. — VŒUX GÉNÉRAUX EN VUE DE LA CODIFICATION PROGRESSIVE DU DROIT INTERNATIONAL.

La Conférence a enfin adopté les vœux suivants en vue de la codification progressive du droit international:

I.

La Conférence,
En vue de faciliter la codification progressive du droit international,
Émet le vœu
Qu'à l'avenir, les États s'inspirent, autant que possible, des dispositions des Actes de la Première Conférence pour la Codification du Droit international, lors de la conclusion de conventions particulières entre eux.

II.

La Conférence,
Appréciant hautement les travaux scientifiques ayant pour objet la codification en général et les matières à son ordre du jour en particulier,
Adresse ses vifs remerciements à leurs auteurs et estime désirable
Que les prochaines conférences pour la codification du droit international aient aussi à leur disposition de nouveaux travaux scientifiques. A cet effet, les Institutions internationales ou nationales pourraient entreprendre en temps opportun des études sur les questions fondamentales du droit international, notamment les principes, les règles et leurs applications, spécialement en ce qui concerne les points qui seront mis à l'ordre du jour de ces conférences.

III.

La Conférence,
Estimant désirable une coordination aussi large que possible de tous les efforts faits en vue de la codification du droit international,
Émet le vœu
Que les travaux entrepris à cet effet sous les auspices de la Société des Nations et ceux entrepris par les Conférences des États américains se poursuivent dans la plus complète harmonie.

IV.

La Conférence
Attire l'attention de la Société des Nations sur la nécessité de préparer les travaux de la prochaine conférence pour la codification du droit international assez longtemps à l'avance pour que ses délibérations se poursuivent avec l'autorité et la rapidité indispensables.
Pour atteindre ce but, elle estimerait désirable que les travaux préparatoires fussent organisés sur les bases suivantes :

1) Le Comité chargé de choisir un certain nombre de sujets pouvant faire l'objet de conventions portant codification pourrait établir un rapport indiquant succinctement et clairement les raisons pour lesquelles il paraît possible et désirable d'arriver sur les sujets choisis à des ententes internationales. Ce rapport serait adressé pour avis aux Gouvernements. Le Conseil de la Société des Nations, tenant compte de ces avis, arrêterait la liste des sujets à mettre à l'étude.

2) Sur chacune des questions retenues, l'organe approprié serait chargé d'établir un avant-projet de convention en s'inspirant de toutes les données de la science et de la pratique.

3) Les avant-projets de convention seraient communiqués aux Gouvernements avec prière de formuler leurs observations sur les points essentiels. Le Conseil s'efforcerait d'obtenir le plus grand nombre possible de réponses.

4) Les réponses seraient communiquées à tous les gouvernements avec prière de fournir, tant leur avis sur l'opportunité de l'inscription de tels projets de conventions au programme d'une conférence, que toutes nouvelles observations qui leur seraient suggérées par les réponses des autres gouvernements relativement auxdits projets.

5) Le Conseil inscrirait au programme de la Conférence les matières qui auraient recueilli l'assentiment formel de la très grande majorité des Puissances appelées à y participer.

D.—GENERAL RECOMMENDATIONS WITH A VIEW TO THE PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW.

Finally the Conference adopted the following recommendations with a view to the progressive codification of international law :

I.

The Conference,

With a view to facilitating the progressive codification of international law,

Recommends

That, in the future, States should be guided as far as possible by the provisions of the Acts of the First Conference for the Codification of International Law in any special conventions which they may conclude among themselves.

II.

The Conference,

Highly appreciating the scientific work which has been done for codification in general and in regard to the subjects on its agenda in particular,

Cordially thanks the authors of such work and considers it desirable

That subsequent conferences for the codification of international law should also have fresh scientific work at their disposal and that with this object, international and national Institutions should undertake at a sufficiently early date the study of the fundamental questions of international law, particularly the principles and rules and their application, with special reference to the points which are placed on the agenda of such conferences.

III.

The Conference,

Considering it to be desirable that there should be as wide as possible a coordination of all the efforts made for the codification of international law,

Recommends

That the work undertaken with this object under the auspices of the League of Nations and that undertaken by the Conferences of American States may be carried on in the most complete harmony with one another.

IV.

The Conference

Calls the attention of the League of Nations to the necessity of preparing the work of the next conference for the codification of international law a sufficient time in advance to enable the discussion to be carried on with the necessary rapidity and in the light of the information which is essential.

For this purpose the Conference would consider it desirable that the preparatory work should be organised on the following basis :

1. The Committee entrusted with the task of selecting a certain number of subjects suitable for codification by convention might draw up a report indicating briefly and clearly the reasons why it appears possible and desirable to conclude international agreements on the subjects selected. This report should be sent to the Governments for their opinion. The Council of the League of Nations might then draw up the list of the subjects to be studied, having regard to the opinions expressed by the Governments.

2. An appropriate body might be given the task of drawing up, in the light of all the data furnished by legal science and actual practice, a draft convention upon each question selected for study.

3. The draft conventions should be communicated to the Governments with a request for their observations upon the essential points. The Council would endeavour to obtain replies from as large a number of Governments as possible.

4. The replies so received should be communicated to all the Governments with a request both for their opinion as to the desirability of placing such draft conventions on the agenda of a conference and also for any fresh observations which might be suggested to them by the replies of the other Governments upon the drafts.

5. The Council might then place on the programme of the Conference such subjects as were formally approved by a very large majority of the Powers which would take part therein.

EN FOI DE QUOI, les Délégués susmentionnés ont signé la présente Acte final.

FAIT à La Haye, le douze avril mil neuf cent trente, en un seul exemplaire qui sera déposé dans les archives du Secrétariat de la Société des Nations. Une copie certifiée conforme sera transmise par les soins du Secrétaire général à tous les Membres de la Société des Nations et à tous les États non membres invités à la Conférence.

IN FAITH WHEREOF the above-mentioned Delegates have signed the present Final Act.

DONE at The Hague on the twelfth day of April, one thousand nine hundred and thirty, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations and of which certified true copies shall be transmitted by the Secretary-General to all the Members of the League of Nations and all the non-Member States invited to the Conference.

UNION SUD-AFRICAINE — UNION OF SOUTH AFRICA

Charles W. H. LANSDOWN

ALLEMAGNE — GERMANY

GÖPPERT
HERING
RICHTER
FLEISCHMANN
SCHÜCKING
Fr. VON FREYBERG
M. Elisabet LUDERS.

ÉTATS-UNIS D'AMÉRIQUE — UNITED STATES OF AMERICA

David Hunter MILLER
Green H. HACKWORTH
Théodore G. RISLEY
Ruth B. SHIPLEY

AUSTRALIE — AUSTRALIA

Maurice GWYER
Oscar F. DOWSON
W. E. BECKETT

AUTRICHE — AUSTRIA

LEITMAIER

BELGIQUE — BELGIUM

J. DE RUELLE
Ch. DE VISSCHER
Marcelle RENSON.

BRÉSIL — BRAZIL

G. DE VIANNA KELSCH
Sous réserve du deuxième alinéa du Vme vœu concernant les questions de nationalité [1].

GRANDE-BRETAGNE ET IRLANDE DU NORD, ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations.

GREAT BRITAIN AND NORTHERN IRELAND and all Parts of the British Empire which are not separate Members of the League of Nations.

Maurice GWYER
Oscar F. DOWSON
W. E. BECKETT

CANADA — CANADA

Jean DÉSY
L. B. PEARSON
J. F. MACNEILL

[*Translation by the Secretariat of the League of Nations.*]

[1] Subject to reservation as regards the second paragraph of the fifth recommendation regarding questions of nationality.

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Miguel CRUCHAGA
Alejandro ALVAREZ
H. MARCHANT

CHILE

CHINE

CHAO-CHU WU

CHINA

COLOMBIE

Francisco José URRUTIA
A. J. RESTREPO

COLOMBIA

CUBA

DIAZ DE VILLAR
Carlos DE ARMENTEROS

CUBA

DANEMARK

F. MARTENSEN-LARSEN V. LORCK

DENMARK

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FINLANDE	Onni Talas. Bruno Kivikoski.	FINLAND
FRANCE	Paul Matter A. Kammerer	FRANCE
GRÈCE	*Ad referendum* Megalos Caloyanni Jean Spiropoulos	GREECE
HONGRIE	Eugène de Berczelly	HUNGARY

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T. F. Medina

NORVÈGE — NORWAY

J. Jorstad.

PAYS-BAS — THE NETHERLANDS

v. Eysinga.

PÉROU — PERU

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POLOGNE — POLAND

Stefan Sieczkowski.
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PORTUGAL — PORTUGAL

José Caeiro da Matta
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Prof. Doutor J. Lobo d'Avila Lima

ROUMANIE — ROUMANIA

Demètre Negulesco
C. M. Sipson
N. Dascovici

SALVADOR — SALVADOR

J. Gustavo Guerrero

SUÈDE — SWEDEN

Adlercreutz.

SUISSE — SWITZERLAND

V. Merz
Paul Dinichert

TCHÉCOSLOVAQUIE — CZECHOSLOVAKIA

Miroslav Plešinger-Božinov
Dr Vàclav Joachim
D. Sitensky

TURQUIE — TURKEY

M. Nousret
Veli
Chinasi Zihni.

URUGUAY — URUGUAY

E. E. Buero

YOUGOSLAVIE — YUGOSLAVIA

B. Christitch.