

REPORT OF CONFERENCE OF STATES SIGNATORIES OF THE PROTOCOL OF SIGNATURE OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

The undersigned, having been appointed by Order in Council of the 7th August, 1926, as representative of Canada to the Conference of States Signatories of the Protocol of the Statute of the Permanent Court of International Justice, begs leave to submit herewith his report.

The Conference was called for the purpose of considering the proposal of the United States to adhere to the Protocol of Signature of December 16, 1920, of the Statute of the Permanent Court of International Justice on condition that each of the states signatories should previously accept five reservations and conditions as follows:—

“I. That such adherence shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the Treaty of Versailles.

“II. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other States Members, respectively, of the Council and Assembly of the League of Nations, in any and all proceedings of either the Council or the Assembly for the election of judges or deputy-judges of the Permanent Court of International Justice or for the filling of vacancies.

“III. That the United States will pay a fair share of the expenses of the Court as determined and appropriated from time to time by the Congress of the United States.

“IV. That the United States may at any time withdraw its adherence to the said Protocol and that the Statute for the Permanent Court of International Justice adjoined to the Protocol shall not be amended without the consent of the United States.

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

On the receipt of the letter of the Secretary of State of the United States conveying this proposal, the Council of the League of Nations on March 18 passed a resolution suggesting that a conference of the states signatories of the Protocol above mentioned be convened at Geneva charged with the task of studying the way in which the Governments of the signatories might give satisfaction to the reservations to the proposals of the Government of the United States, and that the said Government be invited to participate therein. This invitation was declined.

The Conference met at the International Labour Office in Geneva on September 1, 1926. Delegates were present from forty signatory states. The Conference was organized by the election of Jonkheer van Eysinga (Netherlands) as President, and M. Zumeta (Venezuela) and the Right Honourable Sir Francis Bell (New Zealand) as Vice-Presidents.

A general public discussion of the whole subject occupied the first two days, at the conclusion of which a sub-committee of fourteen was appointed to study the reservations and their possible effect on the working of the Court and the League. This committee, of which the Canadian representative was a member, held prolonged and consecutive sessions, and on the 23rd September submitted a unanimous Report and Draft Final Act, which, after a short discussion, was unanimously approved by the Conference on the same date and thereafter signed by the states. A portion of the report thus finally adopted is appended hereto as conveying the clearest possible expression of the disposition and conclusions of the Conference.