

(B.) *Bilateral.*(1.) *Political.*

28. The regular practice is to make such treaties in the names of the Heads of States. The great majority of such treaties can without difficulty be placed within one or other of the classes into which multilateral political treaties are divided in paragraphs 23, 24 and 25, and the recommendations made in those paragraphs as regards the form of full powers, preamble and signature are respectively applicable.

In cases where the obligations of the treaty are expressly confined to one part of the Empire only, the recommendations in paragraph 2 (a) of the 1923 Resolutions are applicable.\* The form of preamble used in a treaty whose application is confined to one Dominion only is given in Annex IV.

(2.) *Technical and Commercial.*

29. Such treaties are regularly made in the names of Heads of States. Paragraphs 2 (a) and 2 (b) of the 1923 Resolution are applicable to such treaties,\* and any further questions arising should be dealt with in accordance with the principles referred to in paragraphs 23, 24 and 25.

It is usual to define the scope of such treaties either (a) by specifying *nominatim* in the text of the treaty the part or parts of the Empire included, or (b) by inserting an "exclusion and accession clause." Sometimes a combination of both methods is employed.

The form of preamble given in Annex IV is suitable for use in the case of a bilateral technical or commercial treaty applicable to one Dominion only.

III.—*Governmental Agreements.*

30. These are dealt with in Section II of the 1923 Resolution, and no difficulties arise in relation thereto. Where such agreements are multilateral, the names of the contracting Governments will appear in alphabetical order, and, where several Governments of the Empire are parties to such an agreement, there is no need to group them together either in the preamble or in the signatures.

The principle laid down in the latter part of paragraph 13 applies to these inter-governmental agreements.

\* Paragraphs 2 (a) and 2 (b) of the 1923 Resolution are as follows:—

"(a.) Bilateral treaties imposing obligations on one part of the Empire only should be signed by a representative of the Government of that part. The Full Power issued to such representative should indicate the part of the Empire in respect of which the obligations are to be undertaken, and the preamble and text of the treaty should be so worded as to make its scope clear.

"(b.) Where a bilateral treaty imposes obligations on more than one part of the Empire, the treaty should be signed by one or more plenipotentiaries on behalf of all the Governments concerned."

## ANNEX I.

*Specimen Form of Preamble and Signature in League Treaties.\**

The British Empire (with New Zealand and India), Germany, Austria, Belgium, &c.†

Desirous of making provision to secure and maintain freedom of communications and transit, and of promoting for that purpose international co-operation in the organisation and working of railway traffic;

\* \* \* \* \*

The High Contracting Parties have appointed as their plenipotentiaries:

\* \* \* \* \*

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

Sir Hubert Llewellyn Smith, G.C.B., Chief Economic Adviser of the British Government, delegate at the Second General Conference on Communications and Transit;

For the Dominion of New Zealand:

The Honourable Sir James Allen, K.C.B., High Commissioner for New Zealand in the United Kingdom;

For India:

The Right Hon. Lord Hardinge of Penshurst, K.G., G.C.B., G.C.S.I., G.C.M.G., G.C.I.E., G.C.V.O., I.S.O., Privy Councillor, former Viceroy, former Ambassador;

\* \* \* \* \*

In faith whereof the above-named plenipotentiaries have signed the present convention.

Done at Geneva, the 9th day of December, 1923, in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations.

Germany:

SEELIGER.  
P. WOLF.

Austria:

EMERICH PFLÜGL.

Belgium:

XAVIER NEUJEAN.

Brazil:

E. LEITAO DE CARVALHO.  
E. MONTARROYOS.

British Empire:

H. LLEWELLYN SMITH.

New Zealand:

J. ALLEN.

India:

HARDINGE OF PENSHURST.

Bulgaria:

D. MIKOFF.

\* \* \* \* \*

\* See note on p. 6.

† In the case of the Arms Traffic Convention, signed on June 17, 1925, the form used was:—  
". . . . . Belgium, Brazil, the British Empire, Canada, the Irish Free State and India, Bulgaria

[14894]

Index.