After studying the report of Professors Dragoni and Burnet, the Chilian Government, by Decree dated February 12th, 1937, set up a National Board of Nutrition presided over by the Minister of Public Health. According to the introductory statement, the object of this measure is to promote joint action by various Government organs and important private bodies, with a view to directing and co-ordinating provisions designed to improve nutritional standards.

The Chilian Government has already drawn up a scheme which, after enumerating the deficiencies which must be remedied, shows what measures are at its disposal for influencing the production and consumption of foodstuffs. The scheme devotes particular attention to those measures which are considered to be urgent.
TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS

6.

WORK OF THE PERMANENT CENTRAL OPIUM BOARD.

The Permanent Central Opium Board held its thirty-first session in Geneva from June 29th to July 2nd, 1937.

At this session, the Board examined the statistics of imports and exports of codeine and dionine in relation to the estimates for 1936. These statistics are received annually instead of quarterly, as is the case for the import and export statistics for all other substances falling under the Opium Conventions.

The Board also made a preliminary examination of the situation in the manufacturing countries in 1936. Whenever the manufacture of a certain drug in any one country appeared to have exceeded the quantity authorised to be manufactured under the terms of the 1931 Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs, the Board asked the Government concerned to give an explanation of the causes of such excesses.

The Board took note of the action taken by its Secretary since the previous session as regards imports in 1937 in excess of estimates. As soon as it is noticed on receipt of the quarterly import and export returns, or from notifications received from exporting countries, that such an excess has occurred, the Secretary of the Board has to inform Governments immediately of this fact. This action may entail an embargo on the export of the drug in question to the country whose estimates have been exceeded.
7.

INTERNATIONAL ASSISTANCE TO REFUGEES.

I. NANSEN INTERNATIONAL OFFICE FOR REFUGEES.

The Governing Body of the Nansen International Office for Refugees has submitted to the Assembly a report on the problems concerning Russian, Armenian, Assyrian, Assyro-Chaldean, Saar and Turkish refugees.

Most of the questions dealt with in the Governing Body’s report have been summarised in Part I of the Annual Report for 1937.

As requested by the Assembly at its seventeenth session, M. Michael Hansson submitted to the Council of the League of Nations, at its ninety-seventh session, a report containing a scheme for the liquidation of the Office. The Secretary-General has forwarded this report to the Governments with a view to its forthcoming examination by the Assembly.

The Governing Body of the Office will hold an extraordinary session on September 11th, 1937.

II. REFUGEES (JEWISH AND OTHER) COMING FROM GERMANY.

The Provisional Arrangement of July 4th, 1936, which at present governs the legal status of refugees coming from Germany has now received the signature of the Spanish and Swiss

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2 See document A.11.1937.XII.
Governments, in addition to the signatures of the Governments of Belgium, the United Kingdom, Denmark, France and Norway. As regards the preliminary draft Convention, certain Governments have communicated their observations on the text drawn up by the High Commissioner, which was submitted to them by the Secretary-General on March 23rd, 1937. The exact date of the Inter-Governmental Conference, for the preparations of which provision was made by the decision of the Assembly at its seventeenth session, may be fixed after the eighteenth session of the Assembly has examined the report submitted to it by the High Commissioner.

The Liaison Committee held a meeting at Brussels on June 7th, 1937, at which it decided to appoint a permanent secretary to carry out the Committee's decisions, with a view to co-ordinating the efforts made by the High Commissioner and the organisations on behalf of refugees from Germany.
8.

INTELLECTUAL CO-OPERATION.

WORK OF THE INTELLECTUAL CO-OPERATION ORGANISATION.

This year the various meetings of the Intellectual Co-operation Organisation were held in Paris, on the French Government's proposal, in connection with the International Exhibition of Art and Technique. The invitation was given in 1935 by M. Edouard Herriot, President of the Chamber of Deputies. This is the first manifestation of the kind since the League of Nations decided, in 1922, to serve the cause of international collaboration in the intellectual sphere.

On receiving this proposal, the International Committee on Intellectual Co-operation drew up a programme according to which the conferences, commissions and committees making up the Intellectual Co-operation Organisation of the League were to be summoned to meet in Paris during the month of July, as part of a general scheme. So ambitious a plan could not have been carried through without generous assistance from the General Commission of the International Exhibition of Art and Technique. Hence the "Intellectual Co-operation Month" must be considered as the outcome of close collaboration between those responsible for the Exhibition and the international bodies under the authority of the League of Nations.

The list of the different meetings given in the general programme of the "Intellectual Co-operation Month" indicates both their diversity and their correlation and shows how each meeting plays its part in the general scheme.

The present chapter will be published at the same time as the report of the International Committee on Intellectual
Co-operation on the work of its nineteenth session \(^1\) which gives fuller information concerning these meetings and the terms of the resolutions adopted. It has therefore not been considered necessary to furnish a detailed account here also, and we have confined ourselves to reproducing below a list of the meetings and the principal subjects of discussion, the reader being asked to refer for further particulars to document C.327.M.220.1937.XII.

The programme of meetings was as follows:

**June 28th to July 3rd.**

Permanent International Studies Conference (tenth session).
Subject: “The Pacific Settlement of International Difficulties” (“Peaceful Change”).

**June 30th and July 1st.**
Joint Committee of Major International Associations.

**July 2nd and 3rd.**
Advisory Committee on League of Nations Teaching.

**July 5th to 9th.**
National Committees on Intellectual Co-operation (Second General Conference).

**July 9th and 10th.**

**July 15th.**
Meeting of the Directors of National Offices for International School Correspondence and International Exhibition of I.S.C.

**July 12th to 17th.**


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\(^1\) Document C.327.M.220.1937.
July 20th to 23rd.
Permanent Committee on Arts and Letters (eighth "Conversation").
Subject of the "Conversation" : "The Immediate Future of Letters".

July 26th to 28th.
International Conference on Higher Education organised by the Société de l'Enseignement supérieur and the International Institute of Intellectual Co-operation.

* * *

Permanent International Studies Conference.

The scientific study of international relations has developed considerably in the last few years, both in the existing universities and schools of advanced studies and as a result of the creation of specialised institutes in different countries. The relations which have gradually grown up between these different establishments have led to the creation in a number of countries of co-ordination committees for the purpose of grouping the national institutions dealing with the study or teaching of international relations. The representatives of these national groups and of different institutions make up the Permanent International Studies Conference. This Conference is independent in the sense that it is not subordinate to the Intellectual Co-operation Organisation; but it has close administrative connection with the latter, and the International Institute of Intellectual Co-operation acts as its permanent secretariat.

For the last six years the Conferences, which had previously dealt with questions of organisation, have materially widened their sphere of action by devoting a great deal of their time to the free discussion of subjects chosen in advance. With a view to a preliminary study of these subjects, the different national groups and affiliated institutes themselves prepare a vast amount of documentary material, supplemented by technical committees of specialists which are summoned in the interval between conferences by the International Institute of Intellectual Co-operation. The first of these Conferences, held at Milan in 1932, was devoted to the study of "The State and Economic Life".
The next Conference, held in London in 1935, dealt with "The Collective Organisation of Security". The Paris Conference undertook the discussion of the subject studied during the past two years: "The Pacific Settlement of International Difficulties" "Peaceful Change". The discussions were devoted to demographic and colonial questions, Danubian questions and the problem of raw materials. The next study cycle will deal with the question of "Economic Policies in relation to World Peace".

**Joint Committee of Major International Associations.**

This Committee, founded in 1925, comprises thirty associations; its activities extend to sixty-one countries. Its aim is to promote exchanges of views between its members. The agenda of the Paris meeting provided for the examination of the following questions:

- Teaching of modern languages, history and geography;
- Questions connected with the cinematograph and broadcasting;
- Study visits and tours;
- Professional guidance in secondary education;
- Relations between East and West;
- Education and international understanding.

**Advisory Committee for League of Nations Teaching.**

The agenda of the Committee was prepared with a view to the study of the question raised by the 1936 Assembly, which had asked the International Committee on Intellectual Co-operation to put forward suggestions for the utilisation in the cause of peace of modern means of spreading information. These suggestions, which are to provide a basis for the discussions of the next Assembly, are contained in the report on the work of the International Committee¹. In view of the enlargement of its sphere of action, the Committee decided, with the approval of the full Committee, to change its name and to be known in future as the Advisory Committee for the Teaching of the Principles and Facts of International Co-operation.

¹ Document C.327.M.220.1937, Part II.
General Conference of National Committees on Intellectual Co-operation.

The National Committees of the following thirty-nine countries were represented: Argentine, Australia, Austria, Belgium, Bolivia, Brazil, United Kingdom, Bulgaria, Chile, China, Cuba, Czechoslovakia, Denmark, Egypt, Estonia, Finland, France, Hungary, India, Iran, Italy, Japan, Latvia, Lithuania, Luxemburg, Mexico, Netherlands and the Netherlands Indies, Norway, Peru, Poland, Portugal, Roumania, Salvador, Spain, Sweden, Switzerland, United States of America, Uruguay, Yugoslavia.

The Committee on Intellectual Co-operation of the Catholic Union of International Studies and the Permanent Inter-Parliamentary Committee on Intellectual Relations were also represented.

The Conference decided to establish more regular and extensive contacts between the International Intellectual Co-operation Organisation and national intellectual life; it considered it necessary to place intellectual co-operation above political conflicts and to confer upon it, within the framework of the League of Nations, the freedom of movement and the autonomy that it needs. For this purpose, it asked that an international agreement should be concluded providing the Institute of Intellectual Co-operation with a legal basis and a larger regular budget. It referred to the Executive Committee of the Intellectual Co-operation Organisation for examination a certain number of individual suggestions submitted by various delegations in the course of the Conference.


This first session was marked by the signature of an agreement for close collaboration between the Intellectual Co-operation Organisation and the International Council of Scientific Unions, which comprises the following unions: physics, biological sciences, geography, astronomy, chemistry, radio sciences, geophysics and geodetics. The Committee drew up a programme of future work.
Meeting of the Directors of National Offices for International School Correspondance.

The majority of the National Offices accepted the invitation to take part in this meeting, which afforded striking evidence of the organisation which is being built up by this movement of international friendship. Two new offices — one in Scotland and the other in Switzerland — have recently been opened.

Meeting of the International Committee and of the Governing Body of the International Institute of Intellectual Co-operation.

The International Committee on Intellectual Co-operation reviewed all the activities of the Intellectual Co-operation Organisation and prepared a programme of future work. It submitted to the Council and to the Assembly a draft international act concerning the Institute of Intellectual Co-operation, which aims at ensuring the development of that organ and the contractual participation of States not members of the League of Nations in its activities.

"Conversation" of the Permanent Committee on Arts and Letters.

This "Conversation", presided over by M. Paul Valéry, of the French Academy, dealt with "The Immediate Future of Letters" and was approached from three different angles — namely language, the author, and the reader. The debate on language provided an opportunity to M. Paul Valéry, M. de Madariaga, M. Jules Romain, M. Georges Duhamel, M. Dumont-Wilden, M. Anesaki, M. R. Faesi, Professor Gilbert Murray, Mr. Thornton Wilder and Mlle. Vacaresco to define literary language and popular speech, and to stress the debt owed to the latter by the greatest prose writers and poets.

The discussion on the material conditions of livelihood of the author, which determine the future of letters, led to a comparison of the dangers and advantages of literary patronage.

As regards the third point of the “Conversation” — the reader — the speeches of M. Bojer, M. Ojetti, M. de Reynold, M. Anesaki, M. Oprescu, M. Huizinga and M. Ozorio de Almeida brought out the necessity and the possibility of bringing books into the hands of the people by means of rational and persistent propaganda.

The Committee recommended that the International Committee on Intellectual Co-operation should undertake an enquiry into the points discussed, and emphasised the connection between the future of letters and the freedom of expression and moral and economic independence of creative minds.

International Conference on Higher Education.

This important meeting, which was summoned by the International Institute of Intellectual Co-operation and the Société de l’Enseignement supérieur of Paris, was attended by fifteen directors of higher education and 150 professors, representing 115 universities and 40 countries. It discussed the present problems of university life and the adaptation of higher education to the evolution of human knowledge and social conditions. Thanks to methodical preparation and a very thorough discussion, it succeeded in making as true a diagnosis as possible of the ills from which higher education is at present suffering and in defining the lines on which the university must develop if it is to play its part in contemporary life. The Conference decided to continue to study the problems of university organisation and it accordingly set up, at the International Institute of Intellectual Co-operation, a Permanent Committee on Higher Education, consisting of a small number of directors of higher education and representatives of universities, which will meet at regular intervals.
9.

LEGAL AND CONSTITUTIONAL QUESTIONS.

Membership of the League of Nations.

In a letter to the Secretary-General received on August 10th, 1937, the Government of Salvador gave notice of withdrawal under Article 1, paragraph 3, of the Covenant.
B. PERMANENT COURT OF INTERNATIONAL JUSTICE.

INTRODUCTION.

For a complete statement of the facts concerning the organisation, the jurisdiction and the activities of the Court since the last ordinary session of the Assembly, the Secretary-General ventures to refer to the Thirteenth Annual Report of the Court. This work, which has just appeared, will be issued to Governments, to full delegates, at the next session of the Assembly, and also to their legal advisers.

The manuscript of the present chapter was completed on August 15th, 1937; according to the practice which has been adopted since 1933, it has been compiled in the Registry of the Court and has been included, for the convenience of delegates, in Part II of the Report to the Assembly.

1. COMPOSITION OF THE COURT.

When the Assembly of the League of Nations met on September 21st, 1936, for its seventeenth session, there were four vacancies in the Court, of which the first was due to the death of M. Schücking (Germany) on August 25th, 1935; the second, to the resignation of Mr. Frank B. Kellogg (United States of America), given by letter dated September 9th, 1935; the third, to the resignation of M. Wang Chung-Hui (China), given by letter dated January 15th, 1936; and the fourth, to the death of Baron Rolin-Jaequemyns (Belgium) on July 11th, 1936.
On October 8th, 1936, the Assembly and the Council of the League of Nations proceeded to fill the first three of the above-mentioned vacancies — the delegates of two non-member States — Brazil and Japan — having been given seats in these bodies and having been furnished with the necessary powers to take part in the election. Mr. Manley O. Hudson (United States of America) and M. Å. Hammarskjöld (Sweden) were elected to fill the seats which had been occupied by M. Schücking and Mr. Kellogg. M. Cheng Tien-Hsi (China) was elected to fill the seat that had been occupied by M. Wang Chung-Hui. The election for the fourth vacancy was placed on the agenda of the extraordinary session of the Assembly in May 1937. On May 27th, the Assembly and the Council (in which bodies the delegates of Brazil and Japan also sat) elected M. Charles De Visscher (Belgium).

On July 7th, 1937, M. Å. Hammarskjöld, member and former Registrar of the Court, died at The Hague.

As a result of the appointments and death referred to above, the Court is now composed as follows: M. Guerrero, President (Salvador); Sir Cecil Hurst (Vice-President) (United Kingdom); Count Rostworowski (Poland), M. Fromageot (France), M. de Bustamante (Cuba), M. Altamira (Spain), M. Anzilotti (Italy), M. Urrutia (Colombia), M. Negulesco (Roumania), Jonkheer van Eysinga (Netherlands), M. Nagaoka (Japan), M. Cheng (China), Mr. Hudson (United States of America), M. De Visscher (Belgium).

The composition of the Chambers is as follows:

Chamber for Labour Cases: Members: Sir Cecil Hurst, President; M. Altamira, M. Urrutia, M. Negulesco, Mr. Hudson. Substitute Members: Jonkheer van Eysinga, M. Nagaoka.

Chamber for Communications and Transit Cases: Members: M. Guerrero, President; M. Fromageot, M. Anzilotti, Jonkheer van Eysinga. Substitute Members: Count Rostworowski, M. Nagaoka.

Chamber for Summary Procedure: Members: M. Guerrero, President; Sir Cecil Hurst, Count Rostworowski, M. Fromageot, M. Anzilotti. Substitute Member: M. Nagaoka.¹

¹ One vacancy exists, owing to the death of M. Hammarskjöld.
Since the last ordinary session of the Assembly, the Court has had before it two cases which necessitated the appointment of judges *ad hoc*. These were: the case concerning the lighthouses in Crete and in Samos (France/Greece), and the Borchgrave case (Belgium/Spain). The judge appointed by the Greek Government in the former of these cases was M. S. Seferiades, Professor of International Law at the University of Athens, Member of the Permanent Court of Arbitration. The judge appointed in the second of these cases by the Belgian Government was M. Charles De Visscher; subsequently, M. De Visscher was appointed a Member of the Court.

The case concerning the diversions of water from the Meuse (Netherlands/Belgium), which had been submitted to the Court in August 1936, had also led to the appointment of M. De Visscher as judge *ad hoc* by the Belgian Government.

2. THE REGISTRY.

M. Åke Hammarskjöld, Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of Sweden, member of the Institute of International Law, who had been appointed as Registrar on February 3rd, 1922, re-elected on August 16th, 1929, and whose term of office expired on December 31st, 1936, was elected a member of the Court on October 8th, 1936 (see above, page 12).

On December 5th, 1936, the Court appointed as Registrar, in succession to M. Hammarskjöld, M. Julio López Oliván, formerly Spanish Ambassador in London. M. López Oliván had been Deputy-Registrar of the Court from January 1929 to February 1931.

3. THE STATUTE AND THE RULES OF COURT.

The Statute of the Court (revised Statute), which came into force on February 1st, 1936, has been published by the League of Nations under No. C.80.M.28.1936.V, and by the Court in
the third edition (March 1936) of Volume No. 1 of Series D of its publications.

The same volume also contains the revised Rules of Court, which came into force on March 11th, 1936.

4. JURISDICTION.

(a) TREATIES.

Since the last ordinary session of the Assembly, the following new agreements or treaties, by the terms of which, or for the interpretation of which, jurisdiction is conferred upon the Court, or some extra-judicial action is called for on the part of the Court or its President, have come to the knowledge of the Registrar:

Convention concerning the settlement of questions arising out of the delimitation of the frontier, between Czechoslovakia and Roumania. Prague, July 15th, 1930.


Convention regarding establishment and labour, between Belgium and the Netherlands. Geneva, February 20th, 1933.

Treaty of friendship, non-aggression, arbitration and conciliation, between Roumania and Turkey. Ankara, October 17th, 1933.

Treaty of friendship and non-aggression, judicial settlement, arbitration and conciliation, between Turkey and Yugoslavia. Belgrade, November 27th, 1933.


Treaty of friendship, establishment and commerce, between Denmark and Iran. Teheran, February 20th, 1934.

Treaty of friendship, between Iran and Switzerland. Berne, April 25th, 1934.


Provisional Convention concerning air navigation, between Hungary and Switzerland. Berne, June 18th, 1935.
Convention concerning the regulation of certain special systems of recruiting workers. Geneva, June 20th, 1936.
Convention concerning the reduction of hours of work on public works. Geneva, June 23rd, 1936.
Convention for the suppression of the illicit traffic in dangerous drugs. Geneva, June 26th, 1936.
Convention concerning the minimum requirements of professional capacity for masters and officers on board merchant ships. Geneva, October 24th, 1936.
Convention concerning the liability of the shipowner, in case of sickness, injury or death of seamen. Geneva, October 24th, 1936.
Convention concerning hours of work on board ship and manning. Geneva, October 24th, 1936.
Convention fixing the minimum age for the admission of children to employment at sea ("revised 1936"). Geneva, October 24th, 1936.

The number of international agreements (other than the Optional Clause) conferring jurisdiction on the Court on any grounds, and published by the Registry, now amounts to about 530.

**(b) The Optional Clause.**

Since the last ordinary session of the Assembly, the acceptance by the under-mentioned States of the Optional Clause annexed to the Court’s Statute (Article 36, paragraph 2) has been renewed: Austria, Brazil, Denmark, Finland, Switzerland.

By a Declaration, filed with the Registry on April 26th, 1937, the Principality of Monaco accepted the jurisdiction of the Court and recognised that jurisdiction as compulsory, *ipsa facta* and without special convention, in conformity with Article 36, paragraph 2, of the Statute of the Court and No. 2, paragraph 4, of the resolution of the Council of May 17th, 1922.¹

¹ This resolution provides that States which are neither members of the League of Nations nor mentioned in the Annex to the Covenant may accept the jurisdiction of the Court as compulsory, but that such acceptance may not, without
This Declaration was worded as follows:

“Declaration.

“The Principality of Monaco, represented by the Minister of State, Director of External Relations, hereby accepts the jurisdiction of the Permanent Court of International Justice, in accordance with the Covenant of the League of Nations and with the terms of the Statute and Rules of the Court, in respect of all disputes which have already arisen or which may arise in the future. The Principality of Monaco undertakes to carry out in full good faith the decision or decisions of the Court and not to resort to war against a State complying therewith.

“At the same time, the Principality of Monaco accepts as compulsory, ipso facto and without special convention, the jurisdiction of the Court, in conformity with Article 36, paragraph 2, of the Statute of the Court and No. 2, paragraph 4, of the resolution of the Council of May 17th, 1922, for a period of five years in any disputes arising after the present Declaration with regard to situations or facts subsequent to this Declaration, except in cases where the Parties have agreed, or shall agree, to have recourse to another method of pacific settlement.

“Monaco, April 22nd, 1937.

“[L.S.]  
(Signed) M. BOUILLOUX-LAFONT,
Minister of State, Director of External Relations.”

“It being Our pleasure to approve, confirm and ratify all the clauses of the foregoing Declaration, We by these Presents formally approve, confirm and ratify the above Declaration in the name of Ourselves and Our Successors, upon Our Princely Honour promising in Our Own Name and Theirs faithfully and loyally to fulfil, observe and execute the present Declaration.

“In Faith whereof, We have signed this Ratification with our own hand and have thereto affixed Our Seal.

“Done at Our Palace in Monaco, this twenty-second day of April one thousand nine hundred and thirty-seven and in the fifteenth year of Our Reign.

“[L.S.]  
(Signed) Louis”.

This brings to forty-one the number of States bound by the Optional Clause.

The general situation in regard to the acceptance of the Optional Clause is shown in the table below:

special convention, be relied upon vis-à-vis Members of the League or States mentioned in the Annex to the Covenant which have signed or may thereafter sign the Optional Clause.
<table>
<thead>
<tr>
<th>States which have signed the Optional Clause (52)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>without any condition as to ratification</strong></td>
</tr>
<tr>
<td>or other suspensive conditions</td>
</tr>
<tr>
<td><strong>but which have not</strong></td>
</tr>
<tr>
<td><strong>ratified the Protocol</strong></td>
</tr>
<tr>
<td><strong>of Signature</strong></td>
</tr>
<tr>
<td>of the Statute</td>
</tr>
<tr>
<td>and which have</td>
</tr>
<tr>
<td>ratified the Protocol</td>
</tr>
</tbody>
</table>
| of Signature |  | was |  | the compulsory juris-
| of the Statute |  | (were) not fulfilled |  | diction of the Court |
|  |  |  |  | under Article 36, para-
|  |  |  |  | graph 2, of the Statute |
|  |  |  |  | and the resolution of |
|  |  |  |  | the Council of May |
|  |  |  |  | 17th, 1922  
|  |  |  |  |  
| Costa Rica  | Bolivia  | Union of S. Africa  | Argentina  | China  |
| Nicaragua  | Brazil  | Albania  | Czechoslovakia  | Ethiopia  |
| Turkey  | Bulgaria  | Australia  | Guatemala  | Italy  |
|  | Colombia  | Austria  | Liberia  | Yugoslavia  |
|  | Estonia  | Belgium  | Poland  |  |
|  | Haiti  | United Kingdom  |  |  |
|  | Lithuania  | Canada  |  |  |
|  | Luxemburg  | Denmark  |  |  |
|  | Netherlands  | Dominican Republic  |  |  |
|  | Panama  | Finland  |  |  |
|  | Paraguay  | France  |  |  |
|  | Portugal  | Germany  |  |  |
|  | Salvador  | Greece  |  |  |
|  | Spain  | Hungary  |  |  |
|  | Sweden  | India  |  |  |
|  | Uruguay  | Iran  |  |  |
|  |  | Irish Free State  |  |  |
|  |  | Latvia  |  |  |
|  |  | New Zealand  |  |  |
|  |  | Norway  |  |  |
|  |  | Peru  |  |  |
|  |  | Roumania  |  |  |
|  |  | Siam  |  |  |
|  |  | Switzerland  |  |  |

| States not bound by the clause |  | States bound by the clause (40) |  | States not bound by the clause | State bound (1) |

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1. See note on page 15.
2. This State acceded to the clause subject to ratification, but renewed its accession without attaching that condition.
3. This engagement has expired since the last ordinary session of the Assembly.
5. ACTIVITIES OF THE COURT.

In August 1936, the following cases were pending before the Court:

<table>
<thead>
<tr>
<th>Short title</th>
<th>General List No.</th>
<th>Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Losinger &amp; Co. case</td>
<td>64</td>
<td>Switzerland/Yugoslavia.</td>
</tr>
<tr>
<td>(b) Pajzs, Czáky, Esterházy case</td>
<td>65</td>
<td>Hungary/Yugoslavia.</td>
</tr>
<tr>
<td>(c) Moroccan Phosphates case</td>
<td>68</td>
<td>Italy/France.</td>
</tr>
<tr>
<td>(d) Waters of the Meuse.</td>
<td>69</td>
<td>Netherlands/Belgium.</td>
</tr>
</tbody>
</table>

Since the seventeenth session of the Assembly, the two following cases have been brought before the Court:

<table>
<thead>
<tr>
<th>Short title</th>
<th>General List No.</th>
<th>Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) Lighthouses case (Crete and Samos)</td>
<td>70</td>
<td>France/Greece.</td>
</tr>
<tr>
<td>(f) The Borchgrave case</td>
<td>72</td>
<td>Belgium/Spain.</td>
</tr>
</tbody>
</table>


In the case of Losinger & Co., in which proceedings had been instituted against the Yugoslav Government by an Application filed with the Registry on November 23rd, 1935, by the Swiss Federal Government, a preliminary objection had been lodged by the Respondent, which objection had been joined by the Court to the merits by an Order made on June 27th, 1936. In this Order, the Court had fixed the time-limits for the filing of the Yugoslav Counter-memorial, of the Swiss Reply and of the Yugoslav Rejoinder, so that the case should become ready for hearing on September 11th, 1936; the Court had also specified that these time-limits had been fixed without prejudice to any modifications which it might be desirable to make: for instance, in case the Parties should enter into negotiations for an amicable settlement.
The Yugoslav Counter-memorial was duly filed within the time-limit laid down (August 3rd, 1936); but, in a letter of August 7th, 1936, the Agent for the Swiss Government, invoking the above-mentioned clause of the Order of June 27th, 1936, asked for an extension of the time-limit for the filing of the Swiss Reply until October 15th, 1936, in view of the negotiations in progress. This extension was granted by an Order of the acting President, dated August 11th, 1936. The time-limit for the filing of the Reply was further extended until December 1st, 1936, by an Order made by the President of the Court on October 6th, in response to a further request of the Swiss Agent based on the stage reached in the negotiations.

By a letter of November 23rd, 1936, the Agent for the Yugoslav Government informed the Registry that a definite agreement had been reached between the Parties to discontinue the proceedings instituted by the Swiss Application; he gave notice that the Parties were not going on with these proceedings and requested the Court officially to record the conclusion of the settlement. The Agent for the Swiss Government addressed a similar communication to the Registry, dated November 27th.

By an Order made on December 14th, 1936, the Court, under Article 68 of the Rules, placed on record the communications from the Agents to the effect that their Governments were discontinuing the proceedings instituted by the Application of the Swiss Federal Government, and ordered the case to be removed from the list.

(b) The Pajzs, Csáky, Esterházy Case
(see: Ibid., page 94).

Even before the final organisation of the new Yugoslav State after the war of 1914-1918, an agrarian reform had been contemplated in that country. With this end in view, a series of measures having the force of law and relating to the expropriation of large landed estates were promulgated in February 1919 and subsequently.

The steps taken under this legislation in respect of large estates situated in Yugoslav territory but belonging to Hungarian nationals gave rise to actions brought by these nationals
before the Hungaro-Yugoslav Mixed Arbitral Tribunal under Article 250 of the Treaty of Trianon.

The same thing occurred with regard to the other countries of the Little Entente before the Hungaro-Roumanian and the Hungaro-Czechoslovak Mixed Arbitral Tribunals. These tribunals, by a series of decisions rendered in typical cases, held that they had jurisdiction to adjudicate upon the merits of the claims which had been submitted to them. The differences of opinion which arose on this subject between Hungary and Roumania were submitted to the Council of the League of Nations; no settlement had yet been reached when the conferences convened for the settlement of questions concerning liabilities for war reparations met at The Hague in August 1929 and in January 1930. The second of the conferences at The Hague resulted in the adoption of texts laying down the bases on which — at a conference held subsequently at Paris, on April 28th, 1930 — four Agreements relating to the obligations resulting from the Treaty of Trianon were concluded. These Agreements and the general preamble preceding them were signed by Hungary (with the exception of Agreement IV, in which she was not interested) and by the States of the Little Entente.

Article I of Agreement II provides that, in “any legal proceedings which Hungarian nationals may later institute before the Mixed Arbitral Tribunals in regard to the agrarian reform against Yugoslavia”, the responsibility will, under certain conditions, be solely incumbent upon a Fund to be called the “Agrarian Fund”. The same article also states that “it has been agreed that Yugoslavia shall promulgate the definitive law” concerning agrarian reform in that country “before July 20th, 1931”. Lastly, under Article X of Agreement II, the States of the Little Entente and Hungary recognise in certain circumstances “a right of appeal” to the Permanent Court of International Justice, while, under articles XVII of Agreement II and 22 of Agreement III, any State interested is entitled, in the event of a difference as to the interpretation or application of these Agreements and subject to certain conditions, to address itself to the Court by written application.

Among the landowners in Yugoslavia affected by the measures of agrarian reform were the Hungarian nationals Pajzs, Csáky and Esterházy. In December 1931, they instituted proceedings
before the Mixed Arbitral Tribunal against the Agrarian Fund created by the Paris Agreements, asking, *inter alia*, for indemnities in respect of their lands which had been expropriated. The Mixed Arbitral Tribunal, however, in judgments reached in April 1933, declared the applications out of time and dismissed the petitioners’ claims.

The latter then instituted fresh proceedings before the Mixed Arbitral Tribunal, this time against Yugoslavia as Defendant. The petitioners, invoking Article 250 of the Treaty of Trianon, asked for judgment against Yugoslavia for an indemnity, payable to them in respect of the estates in question. In two of the applications, this indemnity was described as the “local” indemnity which Yugoslavia pays to her own nationals owning large estates expropriated under the agrarian reform.

To these applications the Yugoslav Government lodged a preliminary objection and, on July 22nd, 1935, the Mixed Arbitral Tribunal delivered judgment in the three cases, declaring that the applications could not be entertained because they were based on Article 250 of the Treaty of Trianon. Following upon these judgments, the Hungarian Government, on December 6th, 1935, filed with the Registry of the Court an Application instituting proceedings. Preliminary objections to the Court’s jurisdiction having been lodged by the Yugoslav Government, the Respondent, the Court joined the objections to the merits by an Order dated May 23rd, 1936, and fixed the time-limits for the filing of the subsequent documents of the written proceedings on the merits.

* * *

The Court’s judgment upon the Application of the Hungarian Government and upon the objections of the Yugoslav Government was delivered on December 16th, 1936.

The Hungarian Government, in its final submissions, asked the Court, *inter alia*, to declare that it had jurisdiction to admit the appeal under Article X of Agreement II of Paris and, preferably, to review the judgments complained of, adjudging that the Mixed Arbitral Tribunal was competent. Alternatively, the Hungarian Government asked the Court to adjudge by means of the interpretation and application of Agreements II and III,
under Article XVII of Agreement II and Article 22 of Agreement III, that the attitude adopted by Yugoslavia towards all Hungarian nationals — an attitude described in the Hungarian submissions — was inconsistent with the provisions of Agreements II and III.

The Yugoslav Government, for its part, prayed the Court, *inter alia*, before entering upon the merits, to declare that the appeal of the Hungarian Government could not be entertained and was contrary to Article X of Agreement II, and to declare that the request of the Hungarian Government for an interpretation could not be entertained because the essential conditions laid down by Article XVII of Agreement II and Article 22 of Agreement III had not been fulfilled. Alternatively, the Yugoslav Government submitted, *inter alia*, first, that the three judgments should be confirmed, and, secondly, that the three cases in question should be declared covered by the settlement on a lump-sum basis in the Paris Agreements.

Accordingly, the Court had first to consider whether it could entertain the appeal of the Hungarian Government. In so doing, it analyses Article X of Agreement II, which runs as follows:

"Czechoslovakia, Yugoslavia and Roumania, of the one part, and Hungary, of the other part, agree to recognise, without any special agreement, a right of appeal to the Permanent Court of International Justice from all judgments on questions of jurisdiction or merits which may be given henceforth by the Mixed Arbitral Tribunals, in all proceedings other than those referred to in Article I of the present Agreement.

"The right of appeal may be exercised by written application by either of the two Governments between which the Mixed Arbitral Tribunal is constituted, within three months from the notification to its Agent of the judgment of the said Tribunal."

The Court finds that, in the Pajzs, Csáky and Esterházy cases, the judgments of the Mixed Arbitral Tribunal, to the effect that the applications could not be entertained, are based on the view that the Paris Agreements are applicable — *i.e.*, a view involving the actual merits of the applications.

There remains the question whether or not the Pajzs, Csáky, and Esterházy cases were, as laid down in Article X of Agreement II, proceedings referred to in Article I of that Agreement;
the Court, in this connection, must examine the three applications, not only from the point of view of their form, but also from the point of view of their substance. After analysing Article I of Agreement II, the Court finds that the Pajzs, Csáky and Esterházy cases present the characteristics specified by that article.

This conclusion is not affected by the conditions or terms in which the Pajzs, Csáky and Esterházy cases were instituted. One of the principal arguments adduced by the Hungarian Government was that two of the petitioners claimed the right to be treated on a footing of equality with Yugoslav nationals, and this fact, in their view, entitled them to hold the Yugoslav State liable to pay them the expropriation indemnities granted to Yugoslav nationals by their national laws. The Hungarian Government’s contention was that the Paris Agreements did not render the Yugoslav national regime any less applicable to the Hungarian nationals. The legal proceedings referred to in Article I were — it is argued — exclusively proceedings directed, like those that were pending in 1930, against the application of the agrarian reform, having as their object either the restitution or the payment of the full value of the lands expropriated.

The Court does not consider that such an interpretation can be reconciled with the comprehensiveness of the text in question. Moreover, if the scope of the Paris Agreements is restricted, in the manner contended by the Hungarian Government, the Agreements would scarcely appear to give effect to the principle of lump-sum payments which they were intended to establish.

The Court finds that, in view of the express terms of Article I of Agreement II, the three judgments were not delivered in proceedings other than those referred to in that article. The Court therefore finds that it cannot entertain the appeal lodged against these nationals.

The appeal having been rejected, the Court had next to examine the alternative submission of the Hungarian Government concerning the interpretation and application of Agreements II and III.

In regard to this point, the Court first shows that the preliminary objection taken by the Yugoslav Government to the Hungarian Government’s alternative submission is ill founded.
With regard to the substance of the Hungarian alternative submission, the Court observes that it relates to the attitude of Yugoslavia, which takes the form of withholding from the Hungarian nationals who are in the same position as the three petitioners and from other Hungarian nationals who have never had any intention of claiming more than Yugoslav national treatment the "local" indemnities, payable under Yugoslav agrarian legislation to other expropriated landowners.

As regards Hungarian nationals who are in the same position as the three petitioners, the Court observes that the reasons why the appeal against the three judgments rendered by the Mixed Arbitral Tribunal on July 22nd, 1935, cannot be entertained by the Court are furnished by the interpretation and application of the Paris Agreements. Where the circumstances are the same, the same interpretation and the same application can but be repeated.

With regard to Hungarian nationals who have never had any intention of claiming more than national treatment, the Court points out that the Hungarian argument really is that the Yugoslav regime of national treatment remains applicable to all Hungarian nationals who have not been admitted to claim against the Agrarian Fund. Here, again, the Court considers that it is really confronted with the argument already put forward by the Hungarian Government as to the limited scope of the Paris Agreements. But the Court has been led to discard that argument precisely by means of interpreting and applying the Agreements.

The Court concludes that the attitude of Yugoslavia towards the Hungarian nationals affected by the agrarian reform measures in Yugoslavia has been consistent with the aforesaid Agreements.

The Court rejects an alternative Yugoslav submission praying it to declare that the three Hungarian nationals in question must be allowed to present their claims against the Agrarian Fund.

(c) The Moroccan Phosphates Case (see: ibid., page 103).

On December 16th, 1936, the French Government filed preliminary objections in the Moroccan Phosphates case, which had been submitted to the Court on March 30th, 1936, by the
Italian Government by means of a written Application. On July 15th, 1937, the latter Government filed its observations on the above-mentioned objections, and requested the Court to adjudge and declare that the Italian Application was admissible in its entirety.

In July 1937, the Agent of the French Government asked the Court to avail itself of the powers conferred upon it by Article 62, No. 4, of the Rules of Court and to authorise him to reply in writing to the Italian Government’s observations on the objections. The Registrar informed both parties that they would be informed on the decision taken by the Court when the latter, having reassembled after its judicial vacation, would be able to decide upon the French Government’s request.

(d) **The Diversion of Water from the Meuse**

(see: *ibid.*, page 104).

The Meuse, an international river rising in France and traversing Belgium and the Netherlands, fulfils as its most important function, at all events in the two latter countries, that of a reservoir for other waterways. In the nineteenth century, the construction of canals — the Zuid-Willemsvaart from Maestricht to Bois-le-Duc opened in 1826, the Liège-Maestricht Canal (1845), the Canal de la Campine, the Canal de Hasselt, etc., designed to effect a junction with the Scheldt and to provide means of communication for the district of the Campine — as well as the irrigation schemes in the Campine, made it necessary to divert greater quantities of water from the river. Belgium found herself obliged to construct works to enable water to be drawn from the Liège-Maestricht Canal, but this led to an increased current in the Zuid-Willemsvaart which impeded navigation (in consequence of the new frontier between Belgium and the Netherlands, this canal, both ends of which were in Netherlands territory, traversed Belgian territory). Furthermore, at times, the irrigation works in the Campine caused flooding in the Netherlands district of Brabant.

The Belgian and Netherlands Governments negotiated for some ten years with a view to finding a solution of the problem. They concluded a treaty concerning the regime for taking
water from the Meuse, which was signed on May 12th, 1863, together with two other treaties regarding the abolition of tolls on the Scheldt and commercial relations between the two countries.

The main problem to be solved as regards the waters of the Meuse was, as has been stated, the excessive speed of the current in the Zuid-Willemsvaart. The Treaty of 1863 overcame this difficulty by the combined effects of three groups of measures: the raising of the level of the Zuid-Willemsvaart throughout its whole course from Maestricht to Bocholt, so as to increase the transverse section and, consequently, to allow more water to flow along it without increasing the speed of the current; the concentration of diversions of water from the Meuse at a new intake placed at Maestricht — i.e., further upstream, at a point where it could feed the canal, notwithstanding the raising of the level of the latter; the extension of the programme of works to be carried out on the common section of the Meuse, so as to make it possible to take more water from the Meuse without affecting the navigability of the common section of the river, a question which at that time was of importance to both countries.

At the beginning of the twentieth century, the expansion of trade led the two Governments to enter into negotiations with a view to improving navigation on the Meuse by means of works to be carried out by mutual agreement. These negotiations had not been concluded when the war of 1914-1918 broke out. In 1925, they led to the signature of a treaty which would have enabled the waterways desired on either side to be constructed; but this treaty was rejected by the Netherlands First Chamber. The Netherlands then began the construction of the Juliana Canal from Maestricht to Maasbracht, and also of the Borgharen barrage and the lock at Bosscheveld; while, in 1930, Belgium began the construction of the Albert Canal, designed to connect Liège with Antwerp, and of the Neerhaeren Lock amongst others. These two programmes led to diplomatic correspondence in the course of which each Government expressed doubts as to the compatibility of the works undertaken by the other with the Treaty of 1863. As no progress was made with the settlement of these differences, the Netherlands, on August 1st, 1936, instituted proceedings against Belgium before the
Court, relying upon the declarations made by both States, recognising the jurisdiction of the Court as compulsory, in conformity with Article 36, paragraph 2, of the Statute.

The case related to the question whether, on the one hand, the execution by Belgium of various works in connection with the construction of the Albert Canal and, on the other hand, the manner in which, without the consent of the Netherlands, Belgium at present supplies and appears to intend in future to supply with water existing or projected canals in the north of her territory are consistent with the rights ensuing to the Netherlands from the Treaty signed at The Hague on May 12th, 1863, concerning the regime for taking water from the Meuse.

The Parties duly filed the documents of the written proceedings (Memorial by the Netherlands, Counter-memorial by Belgium, Reply by the Netherlands, Rejoinder by Belgium) within the time-limits which had been fixed. In its Counter-memorial, the Belgian Government presented a counter-claim praying the Court to declare that the Netherlands Government had committed a breach of the Treaty of 1863 by constructing the Borgharen barrage and that the Juliana Canal, being a canal below Maestricht, within the meaning of Article I of the Treaty, was subject, as regards the supply of water to it, to the same provisions as the canals on the left bank of the Meuse below Maestricht.

In the course of public sittings held on May 4th, 5th, 7th, 10th, 11th, 12th, 18th, 20th and 21st, 1937, the Court heard the representatives of the Parties. At the hearing on May 7th, 1937, the Agent for the Belgian Government suggested that the Court should pay a visit to the locality, in order to see on the spot all the installations, canals and waterways to which the dispute related. This suggestion met with no opposition on the part of the Agent for the Netherlands Government, and the Court decided, by an Order made on May 13th, 1937, to comply with it. Adopting the itinerary jointly proposed by the Agents of the Parties, the Court carried out this inspection on May 13th, 14th and 15th, 1937. It heard the explanations given by the representatives who had been designated for the purpose by the Parties and witnessed practical demonstrations of the operation of locks and of installations connected therewith.
The Court's judgment was delivered on June 28th, 1937. After summarising the facts, the Court observes that the points submitted to it by the Parties must all be determined solely by the interpretation and application of the Treaty of 1863, without reference to the general rules of international law. Then, after recalling the relevant provisions of this Treaty, the Court proceeds to examine the submissions of the Applicant.

The Netherlands Government, in its first submission, asked the Court to declare that the construction by Belgium of works rendering it possible for a canal situated below Maestricht to be supplied with water taken from the Meuse elsewhere than at the intake at that town was contrary to the Treaty of 1863; these works, it was alleged, infringed the Netherlands' privilege of control over diversions of water, and the quantities of water diverted exceeded the maximum fixed by the Treaty. In this connection, the Netherlands Agent laid stress on the fact that the Neerhaeren Lock contained side-channels for filling and emptying the lock chamber, which channels could easily be converted into a lateral conduit enabling water to be discharged in large quantities.

In the Court's view, the Treaty of 1863 did not place the Parties in a situation of legal inequality by conferring on one of them a right of control to which the other could not lay claim: for the Treaty is an agreement freely concluded between two States seeking to reconcile their practical interests with a view to improving an existing situation. Article I of the Treaty is a provision equally binding on the Netherlands and on Belgium. If, therefore, it is claimed on behalf of the Netherlands Government that, over and above the rights which necessarily result from the fact that the new intake is situated on Netherlands territory, the Netherlands possesses certain privileges in the sense that the Treaty imposes on Belgium, and not on them, an obligation to abstain from certain acts connected with the supply to canals below Maestricht of water taken from the Meuse elsewhere than at the Treaty feeder, the argument goes beyond what the text of the Treaty will support.

In its second submission, the Netherlands Government asked the Court to declare that the feeding of certain canals in Belgium
(the Belgian section of the Zuid-Willemsvaart, the Canal de la Campine, the Hasselt Canal, etc.) with water taken from the Meuse elsewhere than at Maestricht was contrary to the Treaty.

Examining the regime of water supply established by the Treaty, the Court finds that this regime consists both in the construction in Netherlands territory of an intake which was to constitute the feeding conduit for all canals situated below Maestricht, and in the fixing of the volume of water to be discharged into the Zuid-Willemsvaart at a quantity which would maintain a minimum depth in that canal and would ensure that the velocity of its current did not exceed a fixed maximum. As regards the canals which the Treaty had in view when it referred to canals situated below Maestricht, these canals are: the Zuid-Willemsvaart and the canals which branch off from it and are fed by it.

Such being the Treaty regime, it is clear, the Court says, that any work which disturbs the situation thus established constitutes an infraction of the Treaty; and this holds good for works above Maestricht just as much as for works below it. Thus the functioning of an intake other than the Maestricht feeder instituted by the Treaty would not be compatible with the Treaty. With regard to the question whether the passage of water through a lock constitutes an infraction of Article I — as contended by the Netherlands Government and denied by the Belgian Government — the Court holds that neither the Belgian nor the Netherlands contention can be accepted in its entirety. To adopt the Belgian contention to the effect that no lock, when used for navigation, and no volume of water discharged through a lock when being utilised for that purpose, can constitute an infraction of Article I would open the door to the construction of works and the discharge of water in such quantities that the intentions of the Treaty would be entirely frustrated. On the other hand, to adopt the Netherlands contention and to hold that any discharge of water into the Zuid-Willemsvaart through the Neerhaeren Lock, instead of through the Treaty feeder, must result in an infraction of Article I — irrespective of the consequences which such discharge of water might produce on the velocity of the current in the Zuid-Willemsvaart, or on the navigability of the common
section of the Meuse — would be to ignore the objects with which the Treaty was concluded. In the view of the Court, the use of the Neerhaeren Lock would contravene the object of the Treaty if it produced an excessive current in the Zuid-Willemsvaart or a deficiency of water in the Meuse; but this has not been established. Another circumstance which must be borne in mind in connection with the submission of the Netherlands Government regarding the Neerhaeren Lock is the construction, by the latter Government, of the lock at Bosscheveld, which is even larger than the Neerhaeren Lock and which leads directly from the Meuse into the Zuid-Willemsvaart. The Court cannot refrain from comparing the cases of the two locks, and it holds that there is no ground for treating one more unfavourably than the other. Neither of these locks constitutes a feeder, yet both of them discharge their lock-water into the canal, and thus take part in feeding it with water otherwise than through the treaty feeder, though without producing an excessive current in the Zuid-Willemsvaart. In these circumstances, the Court finds it difficult to admit that the Netherlands are now warranted in complaining of the construction and operation of a lock of which they themselves set an example in the past.

The third submission of the Netherlands Government is fundamentally concerned with the construction and bringing into use of the Albert Canal from Liége to Antwerp. This canal, which is fed from an intake at Liége-Monsin, follows for a certain distance the course of the old Hasselt Canal, and the Court is asked to declare that the feeding of this section with water taken from the Meuse elsewhere than at Maestricht is contrary to the Treaty. The Court rejects this submission. It holds that the Treaty forbids neither the Netherlands nor Belgium to make such use as they may see fit of the canals covered by the Treaty in so far as concerns canals which are situated in Netherlands or Belgian territory, as the case may be, and do not leave that territory. As regards such canals, each of the two States is at liberty, in its own territory, to modify them, to enlarge them, to transform them, to fill them in and even to increase the volume of water in them from new sources, provided that the diversion of water at the Treaty feeder and the volume of water to be discharged therefrom
to maintain the normal level and flow in the Zuid-Willemsvaart is not affected.

Moreover, the contention of the Netherlands Government is invalidated by the singular result to which it would lead in practice. For it would amount to criticising Belgium for having made the new canal follow the line of the old. She need only have sited the new canal a little to one side and then she would not have contravened the Treaty. No such effect can have been intended by the contracting Parties, nor can it result from a proper interpretation of the Treaty.

For the same reasons, the Court rejects the fourth submission of the Netherlands Government, which is similar to the foregoing.

Having thus arrived at the conclusion that there is no justification for the various complaints made by the Netherlands Government against the Belgian Government, the Court proceeds to consider the latter Government’s counter-claim, which, as it points out before doing so, is directly connected with the principal claim.

In its first submission, the Belgian Government prays the Court to declare that the Borgharen barrage, by raising the level of the Meuse, has altered the local situation at Maestricht, and that this, having been done without the consent of Belgium, is contrary to the Treaty. The Court rejects this submission; for the Treaty does not forbid the Netherlands to alter the depth of water in the Meuse at Maestricht without the consent of Belgium, provided that neither the discharge of water through the feeder, nor the volume which it must or can supply, nor again the current in the Zuid-Willemsvaart, are thereby affected. Furthermore, the Belgian Government has not produced evidence to show that the navigability of the Meuse has suffered; and, in any case, barge traffic, under whatever flag, now has at its disposal the Juliana Canal, which is much better adapted to its needs.

In the second submission of its counter-claim, the Belgian Government prays the Court to declare that the Juliana Canal is subject, as regards its water supply, to the same provisions as the canals on the left bank of the Meuse below Maestricht. The Court holds that the Juliana Canal, situated on the right bank of the Meuse, cannot be regarded as a “canal situated below Maestricht” within the meaning of Article I of the Treaty.
The question of how the Juliana Canal is, in fact, at present supplied with water would only require to be considered if it were alleged that the method by which it is fed was detrimental to the regime instituted by the Treaty for the canals situated on the left bank. Belgium, however, does not allege that this is the case.

For these reasons, the Court rejects the various submissions both of the Memorial presented by the Netherlands Government and of the counter-claim presented in the Belgian Counter-memorial.

(e) The Lighthouses Case (Crete and Samos).

By a Special Agreement signed at Paris on August 28th, 1936, and filed with the Registry of the Court on October 27th, 1936, the French and Greek Governments agreed to submit to the Court the question of the application, in the case of lighthouses situated in Crete, including the adjacent islands, and in Samos, of the principle laid down by the judgment which the Court delivered on March 17th, 1934, in the Lighthouses Case between France and Greece (see: Report on the Work of the League since the Fourteenth Session of the Assembly, Part II, page 76). The question thus put to the Court was regarded by both sides as accessory to the principal question which the Court has already decided.

The written proceedings in this case were closed on June 10th, 1937, and the Court heard oral arguments on June 28th and 29th. The Court then entered upon its deliberations.

(f) The Borchgrave Case.

On March 5th, 1937, the Court was notified of a Special Agreement for Arbitration concluded between the Belgian Government and the Spanish Government, under which the Court is asked to say whether, having regard to the circumstances of fact and of law in connection with the case, the responsibility of the Spanish Government is involved on account of the death of Baron Jacques de Borchgrave.
By an Order dated April 1st, 1937, the President of the Court, complying with an agreed request that had been made by the Parties, fixed time-limits for the filing of a Belgian Memorial, a Spanish Counter-memorial, a Belgian Reply and a Spanish Rejoinder. On June 29th, 1937 — that is to say, before the expiry of the time-limit fixed for the submission of the Counter-memorial — the Spanish Government filed with the Court a document, entitled: "Memorial submitting preliminary objections". By an Order made on July 1st, the Court fixed August 2nd, 1937, as the date of expiry of the time-limit within which the Belgian Government might file a written statement, setting forth its observations on the Spanish Government’s objections. The written statement in question has been filed.