

**29. GENERAL ACT OF ARBITRATION (PACIFIC SETTLEMENT OF INTERNATIONAL  
DISPUTES)**

*Geneva, 26 September 1928*

**ENTRY INTO FORCE** 16 August 1929, in accordance with article 44.  
**REGISTRATION:** 16 August 1929, No. 2123.<sup>1</sup>  
**TEXT:** League of Nations, *Treaty Series*, ../doc/Publication/UNTS/LON/Volume%2093/v93.pdf

*Note:* FIVE-YEAR PERIODS OF OBLIGATION (Article 45).

1st period: August 16th, 1929-August 15th, 1934-Expired.  
2nd period: August 16th, 1934-August 15th, 1939-Expired.  
3rd period: August 16th, 1939-August 15th, 1944-Current period.  
4th period: August 16th, 1944-August 15th, 1949-Period next following  
etc . . .

Under the system established by the General Act (Article 45), States cannot be released from their obligation before the expiration of a five-year period.

In order to obtain release for the ensuing period, they must notify their denunciation six months before the expiration of the current period.

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***1. Accessions: 22  
A (20 accessions)  
All the provisions of the Act***

Belgium

(May 18th, 1929)

Subject to the reservation provided in Article 39 (2) (a), with the effect of excluding from the procedures described in this Act disputes arising out of facts prior to the accession of Belgium or prior to the accession of any other Party with whom Belgium may have a dispute.

United Kingdom of Great Britain and Northern Ireland

(May 21st, 1931)

Subject to the following conditions:

1. That the following disputes are excluded from the procedure described in the General Act, including the procedure of conciliation:

(i) Disputes arising prior to the accession of His Majesty to the said General Act or relating to situations or facts prior to the said accession;

(ii) Disputes in regard to which parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(iii) Disputes between His Majesty's Government in the United Kingdom and the Government of any other Member of the League which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such a manner as the parties have agreed or shall agree;

(iv) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States;

and

(v) Disputes with any Party to the General Act who is not a Member of the League of Nations.

2. That His Majesty reserves the right in relation to the disputes mentioned in Article 17 of the General Act to require that the procedure prescribed in Chapter II of the said Act shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the procedure, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the parties to the dispute or determined by a decision of all the Members of the Council other than the parties to the dispute.

3. (i) That, in the case of a dispute not being a dispute mentioned in Article 17 of the General Act which is brought before the Council of the League of Nations in accordance with the provisions of the Covenant, the procedure prescribed in Chapter I of the General Act shall not be applied, and, if already commenced, shall be suspended, unless the Council determines that the said procedure shall be adopted.

(ii) That, in the case of such a dispute, the procedure described in Chapter III of the General Act shall not be applied unless the Council has failed to effect a settlement of the dispute within twelve months from the date on which it was first submitted to the Council, or, in a case where the

procedure prescribed in Chapter I has been adopted without producing an agreement between the parties, within six months from the termination of the work of the Conciliation Commission. The Council may extend either of the above periods by a decision of all its Members other than the parties to the dispute.

*His Majesty's Secretary of State for Foreign Affairs, by a communication which was received at the Secretariat on February 15th, 1939, made the following declaration:*

"His Majesty's Government in the United Kingdom will continue, after the 16th August 1939, to participate in the General Act for the Pacific Settlement of International Disputes subject to the reservation that, as from that date, the participation of His Majesty's Government in the United Kingdom in the General Act will not, should they unfortunately find themselves involved in hostilities, cover disputes arising out of events occurring during the war. This reservation applies also to the procedure of conciliation."

The participation of His Majesty's Government in the United Kingdom in the General Act, after the 16th August 1939, will continue, as heretofore, to be subject to the reservations set forth in their instrument of accession."

Canada

(July 1st, 1931)

Subject to the following conditions:

1. That the following disputes are excluded from the procedure described in the General Act, including the procedure of conciliation:

(i) Disputes arising prior to the accession in respect of Canada to the said General Act or relating to situations or facts prior to the said accession;

(ii) Disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(iii) Disputes between His Majesty's Government in Canada and the Government of any other Member of the League which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such a manner as the parties have agreed or shall agree;

(iv) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States; and (v) Disputes with any Party to the General Act who is not a Member of the League of Nations.

2. That His Majesty in respect of Canada reserves the right in relation to the disputes mentioned in Article 17 of the General Act to require that the procedure prescribed in Chapter II of the said Act shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the procedure, and

provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the parties to the dispute or determined by a decision of all the Members of the Council other than the parties to the dispute.

3. (i) That, in the case of a dispute, not being a dispute mentioned in Article 17 of the General Act, which is brought before the Council of the League of Nations in accordance with the provisions of the Covenant, the procedure prescribed in Chapter I of the General Act shall not be applied, and, if already commenced, shall be suspended, unless the Council determines that the said procedure shall be adopted.

(ii) That, in the case of such a dispute, the procedure described in Chapter III of the General Act shall not be applied unless the Council has failed to effect a settlement of the dispute within twelve months from the date on which it was first submitted to the Council, or, in a case where the procedure prescribed in Chapter I has been adopted without producing an agreement between the parties, within six months from the termination of the work of the Conciliation Commission. The Council may extend either of the above periods by a decision of all its Members other than the parties to the dispute.

*By a letter of December 7th, 1939, which the Secretary-General was asked to communicate to the Governments concerned, the Permanent Delegate of Canada to the League of Nations notified the Secretary-General that, in view of the considerations set out in the letter:*

The Canadian Government will not regard their acceptance of the General Act as covering disputes arising out of events occurring during the present war.

Australia

(May 21st, 1931)

Subject to the following conditions:

1. That the following disputes are excluded from the procedure described in the General Act, including the procedure of conciliation:

(i) Disputes arising prior to the accession of His Majesty to the said General Act or relating to situations or facts prior to the said accession;

(ii) Disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(iii) Disputes between His Majesty's Government in the Commonwealth of Australia and the Government of any other Member of the League which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such a manner as the parties have agreed or shall agree;

(iv) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States; and

(v) Disputes with any Party to the General Act who is not a Member of the League of Nations.

2. That His Majesty reserves the right in relation to the disputes mentioned in Article 17 of the General Act to require that the procedure prescribed in Chapter II of the said Act shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the procedure, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the parties to the dispute or determined by a decision of all the Members of the Council other than the parties to the dispute.

3. (i) That, in the case of a dispute, not being a dispute mentioned in Article 17 of the General Act, which is brought before the Council of the League of Nations in accordance with the provisions of the Covenant, the procedure prescribed in Chapter I of the General Act shall not be applied, and, if already commenced, shall be suspended, unless the Council determines that the said procedure shall be adopted.

(ii) That, in the case of such a dispute, the procedure described in Chapter III of the General Act shall not be applied unless the Council has failed to effect a settlement of the dispute within twelve months from the date on which it was first submitted to the council, or, in a case where the procedure prescribed in Chapter I has been adopted without producing an agreement between the parties, within six months from the termination of the work of the Conciliation Commission. The Council may extend either of the above periods by a decision of all its Members other than the parties to the dispute.

*By a telegram of September 7th, 1939, which the Secretary-General was asked to communicate to the Governments concerned, the Prime Minister of the Commonwealth of Australia notified the Secretary-General that, in view of the considerations set out in the telegram:*

His Majesty's Government in the Commonwealth of Australia will not regard its accession to the General Act as covering or relating to any disputes arising out of events occurring during the present crisis.

New Zealand

(May 21st, 1931)

Subject to the following conditions:

1. That the following disputes are excluded from the procedure described in the General Act, including the procedure of conciliation:

(i) Disputes arising prior to the accession of His Majesty to the said General Act or relating to situations or facts prior to the said accession;

(ii) Disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(iii) Disputes between His Majesty's Government in New Zealand and the Government of any other Member of the League which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such a manner as the parties have agreed or shall agree;

(iv) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States; and

(v) Disputes with any Party to the General Act who is not a Member of the League of Nations.

2. That His Majesty reserves the right in relation to the disputes mentioned in Article 17 of the General Act to require that the procedure prescribed in Chapter II of the said Act shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the procedure, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the parties to the dispute or determined by a decision of all the Members of the Council other than the parties to the dispute.

3. (i) That, in the case of a dispute, not being a dispute mentioned in Article 17 of the General Act, which is brought before the Council of the League of Nations in accordance with the provisions of the Covenant, the procedure prescribed in Chapter I of the General Act shall not be applied, and, if already commenced, shall be suspended, unless the Council determines that the said procedure shall be adopted.

(ii) That, in the case of such a dispute, the procedure described in Chapter III of the General Act shall not be applied unless the Council has failed to effect a settlement of the dispute within twelve months from the date on which it was first submitted to the Council, or, in a case where the procedure prescribed in Chapter I has been adopted without producing an agreement between the parties, within six months from the termination of the work of the conciliation Commission. The Council may extend either of the above periods by a decision of all its Members other than the parties to the dispute.

*The High Commissioner for New Zealand in London, by a communication which, was received at the Secretariat on February 15th, 1939, made the following declaration:*

"His Majesty's Government in the Dominion of New Zealand will continue, after the 16th August 1939, to participate in the General Act for the Pacific Settlement of International Disputes subject to the reservation that, as from that date, the participation of the New Zealand Government will not, should it unfortunately find itself involved in hostilities, cover disputes arising out of events

occurring during the war. This reservation applies also to the procedures of conciliation.

"The participation of the New Zealand Government in the General Act, after the 16th August 1939, will continue, as heretofore, to be subject to the reservations set forth in its instrument of accession."

Ireland

(September 26th, 1931)

India

(May 21st, 1931)

Subject to the following conditions:

1. That the following disputes are excluded from the procedure described in the General Act, including the procedure of conciliation:

(i) Disputes arising prior to the accession of His Majesty to the said General Act or relating to situations or facts prior to the said accession;

(ii) Disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(iii) Disputes between the Government of India and the Government of any other Member of the League which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such a manner as the parties have agreed or shall agree;

(iv) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States; and

(v) Disputes with any Party to the General Act who is not a Member of the League of Nations.

2. That His Majesty reserves the right in relation to the disputes mentioned in Article 17 of the General Act to require that the procedure prescribed in Chapter II of the said Act shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the procedure, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the parties to the dispute or determined by a decision of all the Members of the Council other than the parties to the dispute.

3. (i) That, in the case of a dispute, not being a dispute mentioned in Article 17 of the General Act, which is brought before the Council of the League of Nations in accordance with the provisions of the Covenant, the procedure prescribed in Chapter I of the General Act shall not be applied, and, if already commenced, shall be suspended, unless the Council determines that the said procedure shall be adopted.

(ii) That, in the case of such a dispute, the procedure described in Chapter III of the General Act shall not be

applied unless the Council has failed to effect a settlement of the dispute within twelve months from the date on which it was first submitted to the Council, or, in a case where the procedure prescribed in Chapter I has been adopted without producing an agreement between the parties, within six months from the termination of the work of the Conciliation Commission. The Council may extend either of the above periods by a decision of all its Members other than the parties to the dispute.

*His Majesty's Secretary of State for India, by a communication which was received at the Secretary on February 15th, 1939, made the following declaration:*

"India will continue, after the 16th August 1939, to participate in the General Act for the Pacific Settlement of International Disputes subject to the reservation that, as from that date, the participation of India will not, should she unfortunately find herself involved in hostilities, cover disputes arising out of events occurring during the war. This reservation applies also to the procedure of conciliation.

"The participation of India in the General Act, after the 16th August 1939, will continue, as heretofore, to be subject to the reservations set forth in the instrument of accession in respect of India."

Denmark

(April 14th, 1930)

Estonia

(September 3rd, 1931)

Subject to the following conditions: The following disputes are excluded from the procedures described in the General Act, including the procedure of conciliation:

(a) Disputes resulting from facts prior either to the accession of Estonia or to the accession of another Party with whom Estonia might have a dispute;

(b) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States.

Ethiopia

(March 15th, 1935)

Finland

(September 6th, 1930)

France

(May 21st, 1931)

The said accession concerning all disputes that may arise after the said accession with regard to situations or facts subsequent thereto, other than those which the Permanent Court of International Justice may recognize as bearing on a question left by international law to the exclusive competence of the State, it being understood that in application of Article 39 of the said Act the disputes which the parties or one of them may have referred to the Council of the League of Nations will not be submitted to the procedures described in this Act unless the Council has been unable to pronounce a decision under the conditions laid down in Article 15, paragraph 6, of the Covenant.

Furthermore, in accordance with the resolution adopted by the Assembly of the League of Nations "on the submission and recommendations of the General Act", Article 28 of this

Act is interpreted by the French Government as meaning in particular that "respect for rights established by treaty or resulting from international law" is obligatory upon arbitral tribunals constituted in application of Chapter III of the said General Act.

*The Minister for Foreign Affairs of the French Republic, by a communication which was received at the Secretariat on February 14th, 1939, made the following declaration:*

"The Government of the French Republic declares that it adds to the instrument of accession to the General Act of Arbitration deposited in its name on May 21st, 1931, the reservation that in future that accession shall not extend to disputes relating to any events that may occur in the course of a war in which the French Government is involved."

Greece (September 14th, 1931)

Subject to the following conditions:

The following disputes are excluded from the procedures described in the General Act, including the procedure of conciliation referred to in Chapter I:

(a) Disputes resulting from facts prior either to the accession of Greece or to the accession of another Party with whom Greece might have a dispute;

(b) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States and in particular disputes relating to the territorial status of Greece, including disputes relating to its rights of sovereignty over its ports and lines of communication.

Italy (September 7th, 1931)

Subject to the following reservations:

I. The following disputes shall be excluded from the procedure described in the said Act:

(a) Disputes arising out of facts or situations prior to the present accession;

(b) Disputes relating to questions which international law leaves to the sole jurisdiction of States;

(c) Disputes affecting the relations between Italy and any third Power.

II. It is understood that, in conformity with Article 29 of the said Act, disputes for the solution of which a special procedure is provided by other conventions shall be settled in accordance with the provisions of those conventions; and that, in particular, disputes which may be submitted to the Council or Assembly of the League of Nations in virtue of one of the provisions of the Covenant shall be settled in accordance with those provisions.

III. It is further understood that the present accession in no way affects Italy's accession to the Statute of the Permanent Court of International Justice and to the clause in that Statute concerning the compulsory jurisdiction of the Court.

Latvia (September 17th, 1935)

Luxembourg (September 15th, 1930)

Norway<sup>4</sup> (June 11th, 1930)

Peru (November 21st, 1931)

Subject to reservation (b) provided for in Article 39, paragraph 2.

Spain<sup>5</sup> : Denunciation (April 8th, 1939)

Switzerland (December 7th, 1934)

Turkey (June 26th, 1934)

Subject to the following reservations: The following disputes are excluded from the procedure described in the Act:

(a) Disputes arising out of facts or situations prior to the present accession;

(b) Disputes relating to questions which by international law are solely within the domestic jurisdiction of States;

(c) Disputes affecting the relations between Turkey and any third Power.

**B (2 Accessions)**

***Provisions relating to conciliation and judicial settlement (Chapters I and II) and general provisions dealing with these procedures (Chapter IV), Provisions relating to conciliation (chapter I) and general provisions concerning that procedure (Chapter IV)***

The Netherlands (including Netherlands Indies, Suriname and Curacao)<sup>6</sup> (August 8th, 1930)  
Sweden ..... (May 13th, 1929)

**2. Open to accession by: (1) The Members of the League of Nations which have not acceded:**

United States of America	Japan
Brazil	Nicaragua
Chile	Paraguay
Costa Rica	Salvador
Germany	Spain
Guatemala	Union of Soviet Socialist Republics
Honduras	Venezuela
Hungary	

***Actions subsequent to the date upon which the Secretary-General of the Organization of the United Nations assumed the functions of depositary***

Australia <sup>7</sup>	Pakistan <sup>11</sup>
Dominica <sup>8</sup>	Turkey <sup>12</sup>
France <sup>9</sup>	United Kingdom <sup>13</sup>
India <sup>10</sup>	

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**Notes:**

<sup>1</sup> League of Nations, *Treaty Series*, vol. 93, p. 343.

<sup>2</sup> The letter was received by the Secretariat of the League of Nations on December 8th, 1939. For the text, see *Official Journal of the League of Nations*, Nos. 1-3, January, February, March 1940.

<sup>3</sup> The telegram was received by the Secretariat of the League of Nations on September 8th, 1939. For the text, see *Official Journal of the League of Nations*, Nos. 9-10, September-October 1939.

<sup>4</sup> On June 11th, 1929, Norway acceded to Chapters I, II and IV. On June 11th, 1930, it extended its accession to the whole of the Act.

<sup>5</sup> Spain acceded on September 16th, 1930.

By a letter dated April 1st, 1939, and received by the Secretariat on April 8th, the Spanish National Government denounced the accession of Spain, pursuant to the terms of Article 45 of the General Act.

Under Article 45, this denunciation should have been effected six months before the expiration of the current five-year period, that is to say, in this case, before February 16th, 1939.

In regard to this point, the National Government states in its letter that, as the Secretary-General and almost all the States which are parties to the General Act have "in the past . . . refused to receive any communications from the National Government, this Government could not have acted earlier in pursuance of the right which it now exercises in virtue of Article 45 of the Act".

The Secretary-General brought this communication to the knowledge of the Governments concerned.

<sup>6</sup> See note 1 under "Netherlands" regarding Aruba/Netherlands Antilles in the "Historical Information" section in the front matter of this volume.

<sup>7</sup> On 17 March 1975, the Secretary-General received a declaration to the effect that the Government of Australia, in accordance with article 40, of the above-mentioned Act, abandons all the conditions to which its acceptance is subject (instrument of accession deposited with the Secretary-General of the League of Nations on 21 May 1931) with the exception of the condition relating to disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement.

<sup>8</sup> In a notification received on 24 November 1987, the Government of Dominica declared the following:

"The Government of the Commonwealth of Dominica has now examined the General Act for the Pacific Settlement of International Disputes signed in Geneva on 26th September 1928 and is of the opinion that the provisions of the Act ceased to apply to the Commonwealth of Dominica after 8th February 1974 when the United Kingdom formally denounced it and in any case the Commonwealth of Dominica does not regard itself bound by that Act after its Independence."

<sup>9</sup> In a notification received on 10 January 1974, the Government of France declared the following:

In a case dealt with by the International Court of Justice the Government of the French Republic noted that it was contended that the 1928 General Act for the Pacific Settlement of International Disputes could, in the present circumstances, justify the exercise of jurisdiction by the Court.

On that occasion the French Government specified the reasons why it considered that view to be unfounded.

While reaffirming that position, and, accordingly, without prejudice to it, the French Government requests you, with a view to avoiding any new controversy, to take cognizance of the fact that, with respect to any State or any institution that might contend that the General Act is still in force, the present letter constitutes denunciation of that Act in conformity with Article 45 thereof.

<sup>10</sup> In a notification received on 18 September 1974, the Minister of External Affairs of India declared the following:

"I have the honour to refer to the General Act of 26th September 1928 for the Pacific Settlement of International Disputes, which was accepted for British India by the then His Majesty's Secretary of State for India by a communication addressed to the Secretariat of the League of Nations dated 21st May 1931, and which was later revised on 15th February 1939.

"The Government of India never regarded themselves as bound by the General Act of 1928 since her Independence in 1947, whether by succession or otherwise. Accordingly, India has never been and is not a party to the General Act of 1928 ever since her Independence. I write this to make our position absolutely clear on this point so that there is no doubt in any quarter."

<sup>11</sup> On 30 May 1974, the Secretary-General received from the Government of Pakistan, a notification of succession to the General Act. The notification specified that the Government of Pakistan does not maintain the reservations formulated by British India upon accession to the General Act of Arbitration.

The notification also contains the following declaration:

When Pakistan became a Member of the United Nations in October 1947, the delegation of India communicated to the Secretary-General the text of the Constitutional arrangements made at the time when India and Pakistan became independent (Document A/C.6/161 of 7 October 1947), with reference to the devolution upon them, as successor States of the former British India, of British India's international rights and obligations.

Among the rights and obligations of former British India were those of the General Act for the Pacific Settlement of International Disputes done at Geneva on 26th September 1928,

which was acceded to by British India on 21st May 1931. The Government of Pakistan regards the Act as continuing in force as between parties to the Act as established on 26th September 1928 and all successor States. Article 17 of the said Act is given efficacy by Article 37 of the Statute of International Court of Justice, as between Members of the United Nations or parties to the Statute of the Court.

As a result of the arrangements mentioned in paragraph 1, Pakistan has been a separate party to the General Act of 1928 from the date of her independence, i.e. the 14th August 1947, since in accordance with Section 4 of the Indian Independence (International Arrangements), Order, 1947 (Document No. A/C.6/161 of 7 October 1946), Pakistan succeeded to the rights and obligations of British India under all multilateral treaties binding upon her before her partition into the two successor States. By virtue of these arrangements, the Government of Pakistan did not need to take any steps to indicate its consent de novo to accede to multilateral conventions by which British India had been bound. Nevertheless, the Secretary-General of the United Nations was made aware of the situation through the communication referred above.

However, in order to dispel all doubts in this connection and without prejudice to Pakistan's rights as a successor State to British India, the Government of Pakistan have decided to notify Your Excellency, in your capacity as depositary of the General Act of 1928, that the Government of Pakistan continues to be bound by the accession of British India of the General Act of 1928. The Government of Pakistan does not, however, affirm the reservations made by British India.

In this regard, the Secretary-General received on 18 September 1974 a communication from the Minister of External Affairs of India stating inter alia:

...

2. In the aforementioned communication, the Prime Minister of Pakistan has stated, inter alia, that as a result of the constitutional arrangements made at the time when India and Pakistan became independent, Pakistan has been a separate party to the General Act of 1928 for the Pacific Settlement of International Disputes from the date of her independence, i.e. 14th August 1947, since in accordance with Section 4 of the Indian Independence (International Arrangements) Order 1947, Pakistan succeeded to the rights and obligations of British India under all multilateral treaties binding upon her before her partition into the two successor States.

The Prime Minister of Pakistan has further stated that accordingly, the Government of Pakistan did not need to take any steps to communicate its consent de novo to acceding to multilateral conventions by which British India had been bound. However, in order to dispel all doubts in this connection, the Government of Pakistan have stated that they continue to be bound by the accession of British India to the General Act of 1928. The communication further adds that 'the Government of Pakistan does not, however, affirm the reservations made by British India'.

3. In this connection, the Government of India has the following observations to make:

(1) The General Act of 1928 for the Pacific Settlement of International Disputes was a political agreement and was an

integral part of the League of Nations system. Its efficacy was impaired by the fact that the organs of the League of Nations to which it refers have now disappeared. It is for these reasons that the General Assembly of the United Nations on 28 April 1949 adopted the Revised General Act for the Pacific Settlement of International Disputes. (2) Whereas British India did accede to the General Act of 1928, by a communication of 21 May 1931, revised on 15 February 1939, neither India nor Pakistan, into which British India was divided in 1947, succeeded to the General Act of 1928, either under general international law or in accordance with the provisions of the Indian Independence (International Arrangements) Order, 1947. (3) India and Pakistan have not yet acceded to the Revised General Act of 1949. (4) Neither India nor Pakistan have regarded themselves as being party to or bound by the provisions of the General Act of 1928. This is clear from the following: (a) In 1947, a list of treaties to which the Indian Independence (International Arrangements) Order, 1947 was to apply was prepared by 'Expert Committee No. 9 on Foreign Relations'. Their report is contained in Partition Proceedings, Volume III, pages 217-276. The list comprises 627 treaties in force in 1947. The 1928 General Act is not included in that list. The report was signed by the representatives of India and Pakistan. India should not therefore have been listed in any record as a party to the General Act of 1928 since 15 August 1947. (b) In several differences or disputes since 1947, such as those relating to the uses of river waters or the settlement of the boundary in the Rann of Kutch area, the 1928 General Act was not relied upon either by India or by Pakistan. (c) In a case decided in 1961, the Supreme Court of Pakistan while referring to the Indian Independence (International Arrangements) Order, 1947 held that this Order 'did not and, indeed, could not provide for the devolution of treaty rights and obligations which were not capable of being succeeded to by a part of a country, which is severed from the parent State and established as an independent sovereign power, according to the practice of States'. Such treaties would include treaties of alliance, arbitration or commerce. The Court held that 'an examination of the provision of the said Order of 1947 also reveals no intention to depart from this principle'. (d) Statements on the existing international law of succession clearly establish that political treaties like the 1928 General Act are not transmissible by succession or by devolution agreements. Professor O'Connell states as follows: 'Clearly not all these treaties are transmissible; no State has yet acknowledged its succession to the General Act for the Pacific Settlement of International Disputes' (1928). (State Succession in Municipal Law and International Law, vol. II, 1967, page 213.) See also Sir Humphrey Waldock's Second Report (article 3) and Third Report (articles 6 and 7) on State Succession submitted to the International Law Commission in 1969 and 1970, respectively; Succession of States and Governments, Doc. A/CN.4/149-Add.1 and A/CN.4/150-Memorandums prepared by UN Secretariat on 3 December 1962 and 10 December 1962, respectively; and Oscar Schachter, 'The Development of International Law through Legal Opinions of the United Nations Secretariat', British Yearbook of International Law (1948) pages 91, 106-107. (e) The Government of Pakistan had attempted to establish the jurisdiction of the International Court of Justice in the Trial of Prisoners of War case in May 1973 and in that connection, as an alternative pleading, for the first time cited the provisions of the General Act of 1928 in support of the Court's jurisdiction to deal with the matter. Although the Government of India did not appear in these proceedings on the ground that their consent, required under the relevant treaty, had not been obtained before instituting these proceedings, their views regarding the non-

application of the General Act of 1928 to India-Pakistan were made clear to the Court by a communication dated 4 June 1973 from the Indian Ambassador at The Hague.

4. To sum up the 1928 General Act, being an integral part of the League of Nations system, ceased to be a treaty in force upon the disappearance of the organs of the League of Nations. Being a political agreement it could not be transmissible under the law of succession. Neither India nor Pakistan have regarded themselves as bound by the General Act of 1928 since 1947. The General Act of 1928 was not listed in the list of 627 agreements to which the Indian Independence (International Arrangements) Order, 1947 related and India and Pakistan could therefore not have been listed in any record as parties to the 1928 General Act. Nor have Pakistan or India yet acceded to the Revised General Act of 1949.

5. The Government of Pakistan, by their communication dated 30 May 1974, have now expressed their intention to be bound by the General Act of 1928, without the reservations made by British India. This new act of Pakistan may or may not amount to accession to the General Act of 1928 depending upon their wishes as a sovereign State and the position in international law of the treaty in question. In view of what has been stated above, the Government of India consider that Pakistan cannot, however, become a party to the General Act of 1928 by way of succession under the Indian Independence (International Arrangements) Order, 1947, as stated by Pakistan.

<sup>12</sup> In a notification received on 18 December 1978 the Government of Turkey declared the following:

"In a case being dealt with by the International Court of Justice, it has been alleged that the General Act for the Pacific Settlement of International Disputes of 26 September 1928 provides a basis of jurisdiction for the Court to entertain a unilateral application. In that connection, the Government of Turkey has made clear its position that the General Act is no longer in force. The Government of Turkey reaffirms this position.

"Nevertheless, without prejudice to that position, and for the removal of any possibility of doubt that might arise as a result of any state or any institution considering that the afore-mentioned General Act continues to have any force or validity, the Government of Turkey hereby gives notice of denunciation of the General Act and requests that this notice be treated as a formal notification of denunciation under Article 45 thereof in so far as the General Act might be regarded as still in force."

"Article 45 of the General Act provides as follows:

" 1. The present General Act shall be concluded for a period of five years, dating from its entry into force.

" 2. It shall remain in force for further successive periods of five years in the case of Contracting Parties which do not denounce it at least six months before the expiration of the current period.

" 3. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-member States referred to in Article 43.



" 4. A denunciation may be partial only, or may consist in notification of reservations not previously made.

" 5. Notwithstanding denunciation by one of the Contracting Parties concerned in a dispute, all proceedings pending at the expiration of the current period of the General Act shall be duly completed.' "

<sup>13</sup> In a notification received on 8 February 1974, the Government of the United Kingdom declared *inter alia* the following:

"In the light of events since then [the accession of the United Kingdom to the General Act] doubts have been raised as to the continued legal force of the General Act. Without prejudice to the views of the United Kingdom as to the continued force of the General Act,

(i) insofar as the General Act may be regarded as still in force, the United Kingdom hereby gives notice of its denunciation of the General Act in accordance with the provisions of paragraph 2 of Article 45 thereof;

(ii) insofar as the General Act may be regarded as no longer in force, this notice serves to place beyond doubt the position of the United Kingdom in this matter."

In a notification received on 1 March 1974, the Government of the United Kingdom subsequently indicated that the notification received on 8 February 1974 was to be treated as a formal notification of denunciation under Article 45 of the General Act in so far as the latter might be regarded as still in force.

