

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

CERTAINES QUESTIONS DE PROCÉDURE
RELATIVES A L'INTERPRÉTATION DES
TRAITÉS DE PAIX CONCLUS
AVEC LA BULGARIE, LA HONGRIE
ET LA ROUMANIE

ORDONNANCE DU 7 NOVEMBRE 1949

1949

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

CERTAIN PROCEDURAL QUESTIONS
RELATING TO THE INTERPRETATION
OF PEACE TREATIES WITH BULGARIA,
HUNGARY AND ROMANIA

ORDER OF NOVEMBER 7th, 1949

La présente ordonnance doit être citée comme suit :

« *Interprétation des Traités de paix,
Ordonnance du 7 novembre 1949 :*
C. I. J. Recueil 1949, p. 229. »

This Order should be cited as follows :

“*Interpretation of Peace Treaties, Order of November 7th, 1949 :*
I. C. J. Reports 1949, p. 229.”

N° de vente : **24**
Sales number

INTERNATIONAL COURT OF JUSTICE

YEAR 1949

1949
November 7th
General List:
No. 8

Order made on November 7th, 1949.

CERTAIN PROCEDURAL QUESTIONS
RELATING TO THE INTERPRETATION
OF PEACE TREATIES WITH BULGARIA,
HUNGARY AND ROMANIA

The Acting President of the International Court of Justice,
Having regard to Articles 48, 63, 66 and 68 of the Statute,
Having regard to Article 37 of the Rules of Court,

Makes the following Order :

Whereas, on the 22nd October, 1949, the General Assembly of the United Nations adopted a Resolution by the terms of which it requested the Court for an Advisory Opinion on the following questions :

- “I. Do the diplomatic exchanges between Bulgaria, Hungary and Romania on the one hand and certain Allied and Associated Powers signatories to the Treaties of Peace on the other, concerning the implementation of Article 2 of the Treaties with Bulgaria and Hungary and Article 3 of the Treaty with Romania, disclose disputes subject to the provisions for the settlement of disputes contained in Article 36 of the Treaty of Peace with Bulgaria, Article 40 of the Treaty of Peace with Hungary, and Article 38 of the Treaty of Peace with Romania ?”

In the event of an affirmative reply to question I :

- “II. Are the Governments of Bulgaria, Hungary and Romania obligated to carry out the provisions of the Articles

referred to in question I, including the provisions for the appointment of their representatives to the Treaty Commissions ?”

In the event of an affirmative reply to question II and if within thirty days from the date when the Court delivers its opinion, the Governments concerned have not notified the Secretary-General that they have appointed their representatives to the Treaty Commissions, and the Secretary-General has so advised the International Court of Justice :

“III. If one party fails to appoint a representative to a Treaty Commission under the Treaties of Peace with Bulgaria, Hungary and Romania where that party is obligated to appoint a representative to the Treaty Commission, is the Secretary-General of the United Nations authorized to appoint the third member of the Commission upon the request of the other party to a dispute according to the provisions of the respective Treaties ?”

In the event of an affirmative reply to question III :

“IV. Would a Treaty Commission composed of a representative of one party and a third member appointed by the Secretary-General of the United Nations constitute a Commission, within the meaning of the relevant Treaty articles, competent to make a definitive and binding decision in settlement of a dispute ?”

Whereas a certified true copy of the English and French texts of the Resolution of the General Assembly was transmitted to the Court by means of a letter dated 31st October, 1949, signed by the Secretary-General of the United Nations ;

Whereas on the 7th November, 1949, the Registrar, in pursuance of paragraph 1 of Article 66 of the Statute, gave notice of the request for an advisory opinion to all States entitled to appear before the Court ;

Whereas, on the same date, the Registrar, in pursuance of paragraph 2, Article 66, of the Statute, gave notice to all States entitled to appear before the Court and who signed the Peace Treaties concerned, and, in pursuance of paragraph 1 of Article 63, and of Article 68 of the Statute, to the other signatory States of these Peace Treaties, that the Court was prepared to receive written statements relating to the question :

1. Appoints Monday, January 16th, 1950, as the date of expiry of the time-limit within which the aforesaid States may file written statements.

2. Reserves the rest of the procedure for further decision.

Done in English and in French, the French text being authoritative, at the Peace Palace, The Hague, this seventh day of November, one thousand nine hundred and forty-nine.

(Signed) J. G. GUERRERO,
Acting President.

(Signed) E. HAMBRO,
Registrar.