

Institution: Permanent Court of International Justice
 Type: Advisory Opinion
 Title: *Article 3, Paragraph 2, of the Treaty of Lausanne (Frontier between Turkey and Iraq).*
 Requested by: Council of League
 Party(ies): Turkey and Iraq (Britain)
 Dated: November 21st, 1925
 Initiated:¹ September 19th, 1925
 Session: Ninth (Extraordinary) Session
 General List No.: 17
 No. (by type): Advisory Opinion №. 12
 Author. Language: French
 Language in File: English Only
 Link: http://www.worldcourts.com/pcij/eng/decisions/1925.11.21_lausanne/
 Official Publication: Publications of the Permanent Court of International Justice
 Series B. - No. 12; Collection of Advisory Opinions
 A.W. Sijthoff's Publishing Company, Leyden, 1933
 Citation: PCIJ, Ser. B., No. 12, 1925.
 Language of the Official Publication: French & English

Content:	<i>in file</i>	<i>in original</i>
Advisory Opinion	pp. 01-27	pp. [05-33]
Annex	pp. 28-30	pp. [34-35]

By using this document you provide your consent to the Terms and Conditions that can be found at <http://www.worldcourts.com/index/eng/terms.htm>, which provide among other things, that you agree to:

- use this document for personal (non-commercial) and/or educational use only;
- not to alter any part of this document by any means;
- not to upload this document on the internet server or make it available to any other internet user by any means and for any purpose (including educational and personal); or make it available to others who could upload this document on the internet server or make it available to other internet users by any means and for any purpose (including educational and personal) on your behalf or not, with or without your permission.

Although, best efforts have been made to ensure absence of errors, you agree that this document is provided to you without any warranty as to the accuracy of information, and you will use it at your own risk.

¹ date when the request for an advisory opinion or application was filed with the court Registry

[6] Permanent Court of International Justice.

Present:

MM.	Huber,	<i>President,</i>
	Loder,	<i>Former President,</i>
	Weiss,	<i>Vice-President,</i>
Lord	Finlay,	
MM.	Nyholm,	
	Altamira,	
	Anzilotti,	<i>Judges</i>
	Yovanovitch,	
	Beichmann,	
	Negulesco.	
		<i>Deputy-Judges</i>

On September 19th, 1925, the Council of the League of Nations adopted the following Resolution:

"The Council of the League of Nations, having been seized of the question of the frontier between Turkey and Iraq by application of Article 3, paragraph 2, of the Treaty of Lausanne, decides, for the purpose of elucidating certain points of law, to request the Permanent Court of International Justice to give an advisory opinion on the following questions:

"1) What is the character of the decision to be taken by the Council in virtue of Article 3, paragraph 2, of the Treaty of Lausanne - is it an arbitral award, a recommendation or a simple mediation ? [7]

"2) Must the decision be unanimous or may it be taken by a majority?

"May the representatives of the interested Parties take part in the vote ?

"The Permanent Court is requested to examine these questions, if possible, in an extraordinary session.

"The Council requests the Governments of Great Britain and Turkey to be at the disposal of the Court for the purpose of furnishing it with all relevant documents or information. It has the honour to transmit to the Court the Minutes of the meetings of the

Council at which the question of the frontier between Turkey and Iraq has been examined.

"The Secretary-General is authorized to submit the present request to the Court, together with all the relevant documents, to explain to the Court the action taken by the Council in the matter, to give all assistance necessary in the examination of the question, and, if necessary, to take steps to be represented before the Court."

In pursuance of this Resolution the Secretary-General of the League of Nations submitted to the Court, on September 23rd, 1925, a Request for an advisory opinion in the following terms:

"The Secretary-General of the League of Nations,

"in pursuance of the Council Resolution of September 19th, 1925, and in virtue of the authorization given by the Council,

"has the honour to submit to the Permanent Court of International Justice an application requesting the Court, in accordance with Article 14 of the Covenant, to give an advisory opinion to the Council on the questions which are referred to the Court by the Resolution of September 19th, 1925.

"The Secretary-General will be prepared to furnish any assistance which the Court may require in the examination of this matter, and will, if necessary, arrange to be represented before the Court."

In conformity with Article 73 of the Rules of Court, the Request was communicated to the Members of the League of Nations, to the States mentioned in the Annex to the Covenant and to Turkey. At the same time, Members of the League were informed that, having regard to the nature of the questions put, and their possible [8] bearing on the interpretation of the Covenant, the Court would no doubt be prepared favourably to receive an application by any Member to be allowed to furnish information calculated to throw light on the questions at issue. The notifications to Great Britain and Turkey were further based on the principle laid down in the Rules of the Court, in accordance with which a question referred to the Court for advisory opinion is communicated to governments likely to be able to supply information in regard to it.

The Council of the League of Nations having requested the Court to examine the questions set out above, if possible, in an extraordinary session, and having informed the Court that it would be glad to receive the opinion asked for by a date which would enable it to proceed with the examination of the affair at its own next session commencing on December 7th, 1925, the President of the Court decided, by virtue of the powers conferred upon him by Article 23 of the Court's Statute, to summon an extraordinary session of the Court beginning on October 22nd, 1925.

Following upon the notification above mentioned, the Turkish Minister for Foreign Affairs sent to the Registrar of the Court the following telegram dated October 8th: [*Translation.*]

"I have the honour to acknowledge receipt of your telegram September 26th *stop* Turkish Government, whilst having greatest esteem and respect for the International Court of Justice as it has stated on many occasions, is convinced that the questions mentioned in Council of League of Nations' Request dated September 19th and in regard to which Court's advisory opinion is asked are of a distinctly political character and, in the Turkish Government's opinion, cannot form the subject of a legal interpretation *stop* Powers entrusted to Council in Mosul dispute under final Text of Article 3 Lausanne Treaty and previous declarations of the late Lord Curzon which led to adoption by Turkey of that article exclude all possibility of an arbitration *stop* Further the fact that Council has itself felt necessity of asking Court for advisory opinion as to nature of powers possessed by it under Article 3 above-mentioned, demonstrates correctness my Government's views *stop* British representative having for his part declared before Council that previous undertakings given by his Government in regard to this point no longer hold good, the intention thus officially [9] manifested resolves the question in regard to which moreover no doubt could subsist *stop* Feel my duty call Court's attention to the fact that my Government has also clearly and adequately explained its views regarding Request submitted by Council and latter's competence *stop* My Government also considers there is no need for it to be represented at extraordinary session of Court; for consideration of above-mentioned Request having already made known its opinion on the subject *stop* Request you to inform Court of foregoing. - TEWFIK ROUCHDY Minister Foreign Affairs Turkey."

His Britannic Majesty's Government, for its part, filed with the Registry on October 21st, a "Memorial" on "The question of the frontier between Turkey and Iraq". The Court also heard the information furnished orally by the representative of the British Government, the Attorney-General, Sir Douglas Hogg, in the course of the hearings held on October 26th and 27th.

The two Governments directly concerned had furthermore sent to the Court complete collections of the Acts and Documents relating to the Conferences of Lausanne and Constantinople, and also collections of documents relating to the so-called Mosul question. Lastly, the Turkish Government was good enough, subject to the reservations made in the telegram set out above, to reply to certain questions which the Court had already seen fit to put to it before the hearings.

In addition to the evidence produced by the interested Parties, the Court has had before it the dossier sent by the Secretary-General of the League of Nations together with the Council's Request, and also certain additional documents and information which the Secretary-General was good enough to furnish at the request of the Court¹.

I.

The Court must, in the first place, indicate the circumstances which induced the Council of the League of Nations to ask for an advisory opinion on the questions set out in the Request.

During or as a result of the war of 1914-1918, the British Forces occupied the Turkish vilayets of Bagdad and Basra, and at least [10] a large part of the vilayet of Mosul; Great Britain subsequently set up a civil administration there. When, in 1920, the Supreme Council allotted the mandates contemplated in Article 22 of the Covenant of the League of Nations, Great Britain received, amongst others, the mandate for "Mesopotamia, including Mosul". (Declaration by Mr. Lloyd George in the House of Commons, April 29th, 1920; see *Hansard Parliamentary Debates*, 1920, Vol. 128, pp. 1469-1470.)

In the Peace Treaty, signed at Sévres on August 10th, 1920, the frontiers of Turkey "with Mesopotamia" are laid down as follows:

.....

¹ See list in Annex.

" (3) *With Mesopotamia:*

"Thence in a general easterly direction to a point to be chosen on the northern boundary of the vilayet of Mosul,

"a line to be fixed on the ground;

"thence eastwards to the point where it meets the frontier between Turkey and Persia,

"the northern boundary of the vilayet of Mosul, modified, however, so as to pass south of Amadia."

This Treaty, however, was never ratified.

In consequence of the events which took place in Turkey in 1922, the Powers entered into fresh negotiations with that country which were opened at Lausanne on November 20th, 1922, and resulted in the signature on July 24th, 1923, of the Peace Treaty which came into effect on August 6th, 1924. During these negotiations, the question, amongst others, of the frontier between Turkey and Iraq (which name had been substituted for "Mesopotamia") was reopened.

Thus, on January 23rd, 1923, Lord Curzon said, at a plenary meeting of the Territorial and Military Commission, that "among the matters requiring to be laid down in the form of articles in the Treaty of Peace... was the determination of the southern frontier of the Turkish Dominions in Asia", i.e. between these Dominions and Syria and Iraq. The question was brought before the Commission because private "exchange of views and notes" had "led to no result".

A discussion followed in the course of which H.E. Ismet Pasha, and afterwards Lord Curzon, set out the views of their respective [11] Governments. As these views appeared irreconcilable, Lord Curzon eventually proposed, on behalf of the British Government, to refer the question of the frontier between Turkey and Iraq "to independent enquiry and decision"- by the League of Nations - and declared that his Government would abide by the result. Lord Curzon concluded by formally "inviting the Turkish Delegation to accept this proposal".

At the following meeting, however, Ismet Pasha stated that he could not accept the proposal in question, adding that "the Delegation of the Government of the Grand National

Assembly could not allow the fate of a great region like the vilayet of Mosul to be made dependent upon any arbitration".

Lord Curzon at once replied explaining what, in his view, if Turkey had accepted his proposal, would have been the procedure adopted by the Council of the League of Nations, a procedure to which Turkey had just refused to submit. In this speech, upon which the two Governments directly concerned place different constructions, Lord Curzon was at pains to demonstrate, amongst other things, the perfectly equal treatment which Turkey would have received before the Council. He added that if Turkey persisted in her refusal he would be obliged on behalf of his Government "to act independently" under Article 11 of the Covenant of the League of Nations.

Ismet Pasha, having repeated that he could not "concur in the proposal to submit the solution of the Mosul question to arbitration", Lord Curzon stated that he would "take without delay" the action which he had previously indicated.

Accordingly, on January 25th, 1923, he addressed to the Secretary-General of the League of Nations a letter in which he requested the latter to be good enough to place upon the agenda of the Council session which was about to open in Paris "the case of the disputed frontier between the Turkish Dominions in Asia Minor and the mandated territory of Iraq".

The Secretary-General complied with this request and the Council considered the matter at a sitting held on January 30th, 1923. On that occasion, Lord Balfour made a statement on behalf of the British Government to the effect that the proposal unsuccessfully made by Lord Curzon at Lausanne, according to which "the League of Nations should be asked to use its good offices to determine the frontier", would be renewed, and that only in the event of the. [12] failure of this further step, and in order to avert "the dangers which failure might bring in its train", would the British Government desire to "invoke Article 11 of the Covenant" in order that the League might "take any action that might be deemed wise and effectual to safeguard the peace of nations".

Lord Balfour took this opportunity to explain that "if the contingency of which he had spoken arose", Article 17 of the Covenant "would certainly be one of the articles invoked", but that under the very terms of that article Turkey would be received "as a Member of the League on complete and absolute equality with all other Members".

The Council contented itself with noting Lord Balfour's statement.

On the following day, January 31st, the Commission on Territorial and Military Questions of the Conference of Lausanne held another plenary meeting. Lord Curzon merely stated on that occasion that "the decision of this dispute" regarding Iraq had been "referred .. to the enquiry and decision of the Council of the League of Nations".

Some days later, on February 4th, 1923, a private meeting between the principal delegates at the Conference took place in Lord Curzon's room. The Allied Powers had, at this time, drawn up and communicated on January 29th to the Turkish Delegation a draft peace treaty, dated January 31st; then, on February 3rd, they had sent to the same Delegation a document setting out what further concessions they were prepared to make. At the meeting of January 31st, the Turkish Delegation had asked for eight days in which to reply. The time allowed was, however, fixed to expire on February 4th.

The draft treaty contained an article (No. 3) regarding the frontiers with Syria and Iraq according to which the latter frontier was to consist of "a line to be fixed in accordance with the decision to be given thereon by the Council of the League of Nations".

In its written reply to these proposals, which was made on the day agreed upon, the Turkish Delegation expressed the opinion that, for the sole purpose of preventing the Mosul question from constituting an obstacle to the conclusion of peace, this question should be excluded from the programme of the Conference in order that it might, within the period of one [13] year, be settled by common agreement between Great Britain and Turkey.

At the private meeting held on February 4th, Lord Curzon stated, in regard to this reply, that he was no longer able to consent to any alteration of the wording of the Treaty in regard to Mosul, since the matter had already been referred to the League of Nations and was now in the hands of that Body. He was, however, prepared to suspend the result of his appeal to the League for a period of one year. This would enable the two Governments to examine the matter by direct and friendly discussion. Should, however, the two Governments fail to reach a direct understanding, the intervention of the League would be resorted to in the manner originally proposed.

According to notes taken by the British Secretary, but which do not constitute an authoritative record, except in so far as the views expressed on the British side are concerned,

Ismet Pasha then stated that he "accepted Lord Curzon's proposals regarding Mosul"; these proposals were embodied in a draft declaration, the first paragraph of which was as follows:

"In regard to Article 3, paragraph 2, of the Treaty of Peace, His Majesty's Government declare their intention not to invite the Council of the League of Nations to proceed to the determination of the frontier between Turkey and Iraq until the expiration of a period of twelve months from the date of ratification of the present Treaty."

On the other hand, according to information supplied to the Court by the Turkish Government, Ismet Pasha's acceptance of Lord Curzon's proposals only related to the maintenance of the *status quo* during the period allowed for attempts to arrive at a friendly settlement.

However that may be, as no agreement in regard to the Allies' proposals as a whole could be reached at the private meeting of February 4th, the meeting came to an end in face of this difficulty and the Conference of Lausanne was interrupted for more than two months.

When the Conference resumed its labours on April 23rd, 1923, it had before it a letter from Ismet Pasha, dated March 8th, 1923, forwarding the modifications proposed by the Turkish Government in the draft treaty handed on January 29th by the Allied Delegations to the Turkish Delegation. This letter mentioned, with [14] reference to Mosul, the written Turkish reply of February 4th; it also contained the following passages: "As regards Part I (political clauses) there is no substantial modification. Territorial questions are settled in accordance with the proposals of the Allied Powers." The counter-proposals annexed to the letter of March 8th contained the following provisions for the determination of the frontier between Turkey and Iraq:

"The frontier between Turkey and Iraq shall be laid down in friendly arrangement to be concluded between Turkey and Great Britain with-in twelve months from the coming into force of the present Treaty. "In the event of no agreement being reached, the dispute shall be referred to the Council of the League of Nations."

On April 24th, the British Delegate, Sir Horace Rumbold, at a plenary meeting, alluded to this proposal and to the declaration "of this kind" which the British Government had been

prepared to make at the time of the suspension of negotiations on February 4th; he added, however, that that declaration was dependent upon a reciprocal, undertaking that the *status quo* would be preserved during the contemplated period of twelve months, and that, provided a clause to that effect was inserted in the Turkish amendment, the British Delegation would be prepared to accept that amendment, subject to discussion with Ismet Pasha in regard to the exact duration of the time allowed for the Turco-British negotiations.

It was not, however, until the following June 26th that Sir Horace Rumbold was able, with the assent of Ismet Pasha, to announce that the British and Turkish Delegations had agreed - in the course of private meetings and negotiations - to propose for adoption by the Conference the following clause in regard to the frontier of Iraq:

"The frontier between Turkey and Iraq shall be laid down in friendly arrangement to be concluded between Turkey and Great Britain within nine months from the coming into force of the present Treaty.

"In the event of no agreement being reached between the two Governments within the time mentioned, the dispute shall be referred to the Council of the League of Nations.

"The Turkish and British Governments reciprocally undertake that, pending the decision to be reached on the subject of the fron[15]tier, no military or other movement shall take place which might modify in any way the present state of the territories of which the final fate will depend upon that decision."

On July nth, it was agreed that the period of nine months provided for should begin to run not on the date of the coming into force of the Treaty, but at the expiration of the time allowed for the evacuation of the territories occupied by the Allies; and, on July 24th, the Treaty was signed, its third article substantially embodying the clause set out above.

The negotiations designed to fix by friendly arrangement the frontier between Turkey and Iraq, began at Constantinople on May 19th, 1924, and continued until June 9th of that year. They were unsuccessful, and Sir Percy Cox, the British Delegate, when their failure was apparent, invited the Turkish Delegate to agree upon the terms of a "joint declaration referring the question to the League of Nations" under Article 3 of the Treaty of Lausanne. H.E. Fethy Bey, the Turkish Delegate, did not, however, feel able to comply with this invitation, "as the instructions of his Government did not authorize him to discuss the terms of the proposed declaration".

Whereupon, Sir Percy Cox stated that, "failing a joint reference, His Majesty's Government would itself refer the matter to the League of Nations", though it hoped "that the Turkish Government would associate itself with it in taking this step".

It was in these circumstances that the British Government, on August 6th, 1924, sent to the Secretary-General of the League of Nations a letter asking that the following question should be placed on the agenda of the next Council Meeting:

"Frontier of Iraq. - Article 3 (2) of the Treaty signed at Lausanne on July 24th, 1923."

The Secretary-General complied with this request and informed the Turkish Government of his action by a letter dated August 9th. In the same letter, he reminded that Government of the communication addressed to the League of Nations by the British Government on January 25th, 1923, and he attached to his letter a copy of that communication, of the Minutes of the Council Meeting of January 30th, 1923, and of Article 17 of the Covenant.

In its reply, dated August 25th, the Turkish Government stated that it agreed in principle to the inscription of the question on the agenda of the Council.

The latter decided on August 30th to send a telegram "inviting^[16] the Turkish Government to be represented on a footing of equality at its discussions" and informing that Government that consideration of the question would be postponed until "the arrival of the Turkish representatives."

In these circumstances it was not until September 20th that the Council was able to begin the examination of the question, Fethy Bey, the Turkish representative, taking his seat at the Council table.

As early as this meeting, the Parties used different expressions when describing the role which the Council would have to play in the matter. Whilst, according to Lord Parmoor, the British representative, the Council was to "act as arbitrator", Fethy Bey merely referred to the submission of the question to an "impartial examination" by the Council. At a subsequent sitting on September 25th, the representatives of the Parties, at the request of M. Branting, the Rapporteur, explained how they understood the reference to the Council provided for in Article 3 of the Treaty of Lausanne. Lord Parmoor stated that the British Government "regarded the Treaty as placing the Council in the position of an arbitrator, whose ultimate award must be accepted in advance by both Parties". Fethy Bey, on the other hand, stated that the Turkish

Government "recognized the full powers of the Council as conferred upon it by Article 15 of the Covenant." Whereupon the Rapporteur stated that the replies would seem "to show that the Parties were both willing to recognize the Council's decision, one of them through arbitration and the other under Article 15 of the Covenant". Since, however, there was a difference of opinion as to the subject of the dispute to be settled, he proposed that the discussion should be adjourned in order to enable him "to consider, in consultation with the two Parties, the preliminary question of the precise duties of the Council."

The discussion was resumed on September 30th. M. Branting then read a report in which he gave an account of conversations which he had had with Lord Parmoor and Fethy Bey. The former had reminded him that "his Government accepted in advance the Council's decision regarding the frontier between Turkey and Iraq". The latter, in reply to the question whether "he could, on behalf of his Government, now give an undertaking to accept the Council's recommendation", had replied "that on this point there was no disagreement between his Government and the British Government" On the basis of these statements, the Rapporteur felt able to [17] announce that "the doubts which might have arisen in regard to the rôle of the Council" had been "removed" and suggested, in order that proceedings might be commenced, the appointment of a Commission of Enquiry.

The Council adopted this suggestion. In the Resolution passed to this effect, the following passage appears:

"Having heard the statements of the representatives of the British and Turkish Governments, who undertook on behalf of their respective Governments, to accept in advance the decision of the Council on the question referred to it" ...

Lord Parmoor and Fethy Bey stated that they accepted this Resolution.

The Members of the Commission of Enquiry were appointed on October 31st, 1924, and the Commission filed its report with the Secretariat of the League of Nations on July 16th, 1925. The Council, therefore, had to consider the conclusions of this report at the session held by it in September 1925.

In an introductory report, M. Uden, the Rapporteur, laid stress, firstly, on the footing of equality on which the Parties were placed before the Council, and, secondly, on the

agreement as to the Council's role recorded in the Resolution of September 30th, 1924. A discussion then ensued, at the meetings of September 3rd and 4th, 1925, between the British and Turkish representatives, Mr. Amery and H.E. Tewfik Rouchdy Bey, upon the merits of the question of the frontier line between Turkey and Iraq. At the conclusion of this discussion, the Rapporteur proposed, at a private meeting at which the delegates of the Parties were present, that the Council "should appoint a sub-committee to examine the question and make a report". The Council decided accordingly and the President "reminded the Parties that they had before the Council placed their cause solemnly in the hands of the League of Nations, of which the Council formed part, and that they were awaiting from the Council that justice which it would endeavour to grant them".

It was by the report of the Sub-Committee thus appointed, of the proceedings of which no record, if any were kept, has been communicated to the Court - , that the proposal to refer to the Court the questions to which this advisory opinion is intended to reply, was, on [18] September 19th, 1925, laid before the Council. The adoption of the Resolution by which the Council decided in accordance with this proposal, was preceded by an exchange of views between the British and Turkish representatives, in the course of which Mr. Amery maintained that what was intended by Article 3, paragraph 2, of the Treaty of Lausanne "was an arbitral decision given on the broad merits of the case", whereas, according to Tewfik Rouchdy Bev. "the only possible procedure" was "to reach a solution with the consent of the Parties through the good offices of the Council", and not to resort "to a decision given by the Council without their consent."

II.

Before proceeding to examine the questions put to it by the Council, the Court wishes to observe that it intends strictly to confine itself to consideration of these questions, without in any way prejudging the merits of the problem before the Council; nothing in the present opinion, therefore, is to be interpreted as anticipating the solution of that problem.

* * *

The first question put to the Court regards the nature of the "decision to be reached" by the Council under Article 3, paragraph 2, of the Treaty of Lausanne. In order to be able to reply to it, that article must be analyzed, with a view to discovering any factors which may determine the nature of the decision. The explanatory phrase following the question indicates that the nature of the functions to be undertaken by the Council must be defined, having particular regard to the effect that its decision is intended to produce in relation to the Parties, that is to say, whether it is designed to be binding upon them, or whether, on the contrary, this is not the case.

The mission which the Court has to fulfil is to interpret a treaty provision - namely Article 3, paragraph 2, of the Treaty of Lausanne - which runs as follows:

"From the Mediterranean to the frontier of Persia, the frontier of Turkey is laid down as follows: [19]

(1) With Syria:

The frontier described in Article 8 of the Franco-Turkish Agreement of October 20th, 1921;

(2) With Iraq:

The frontier between Turkey and Iraq shall be laid down in friendly arrangement to be concluded between Turkey and Great Britain within nine months.

In the event of no agreement being reached between the two Governments within the time mentioned, the dispute shall be referred to the Council of the League of Nations.

The Turkish and British Governments reciprocally under-take that, pending the decision to be reached on the subject of the frontier, no military or other movement shall take place which might modify in any way the present state of the territories of which the final fate will depend upon that decision."

The Court must, therefore, in the first place, endeavour to ascertain from the wording of this clause what the intention of the contracting Parties was ; subsequently, it may consider whether - and if so, to what extent - factors other than the wording of the Treaty must be taken into account for this purpose.

The Court is of opinion that in signing Article 3, paragraph 2, of the Treaty of Lausanne, the intention of the Parties was, by means of recourse to the Council, to insure a definitive and binding solution of the dispute which might arise between them, namely, the final determination of the frontier. The Court feels bound to adopt this interpretation for the following reasons:

Article 3, which forms part of the section of the Treaty devoted to "Territorial Clauses", is intended to *lay down* the frontier of Turkey from the Mediterranean to Persia. It draws a distinction between two different sections of this frontier : (1) that separating Turkey from Syria, a frontier already described in the Franco-Turkish Agreement of October 20th, 1921, the line of which is maintained; (2) that which is to separate Turkey from Iraq, a frontier to be laid down in friendly arrangement between Turkey and Great Britain within nine months, failing which the dispute is to be referred to the Council of the League of Nations. Although [20] one of the sections of the frontier still remains to be determined, whilst the other is already defined, it is clear that the object of this article is to establish a continuous and definitive frontier. Not only are the terms used ("*lay down*", *fixer*, *determiner*), only to be explained by an intention to establish a situation which would be definitive, but, furthermore, the very nature of a frontier and of any convention designed to establish frontiers between two countries imports that a frontier must constitute a definite boundary line throughout its length.

It often happens that, at the time of signature of a treaty establishing new frontiers, certain portions of these frontiers are not yet determined and that the treaty provides certain measures for their determination. In this way, Article 2 of the Treaty of Lausanne, which is intended to *lay down* the frontier of Turkey from the Black Sea to the Aegean, and which, as regards the greater part of the frontier line, gives topographical indications, leaves the determination of a portion of the Greco-Turkish frontier to the decision of the Boundary Commission set up under Article 5. It is, however, natural that any article designed to fix a

frontier should, if possible, be so interpreted that the result of the application of its provisions in their entirety should be the establishment of a precise, complete and definitive frontier.

These conclusions, which may be deduced from an examination of the first sub-paragraph of paragraph 2 of Article 3 alone, are confirmed by an analysis of sub-paragraphs 2 and 3. Sub-paragraph 2 provides that in the event of no agreement being reached between the two States concerned within the time mentioned, the dispute shall be referred to the Council. Although these terms, taken by themselves, do not expressly indicate the nature of the action to be undertaken by the Council, there does not seem to be any doubt that for the settlement of a dispute, only two alternatives present themselves: agreement between the Parties, arrived at either directly or through a third Party, or else decision by the intervention of a third Party. Now, the successive application of these two methods is precisely what is provided for under Article 3 and, for the reasons already set out and drawn from the very nature of frontiers, it must be concluded that the Parties, when signing that article, contemplated intervention by a third Party - the Council - as a result of which a definitive solution would be reached. [21]

Even if there were any possible doubt in regard to the meaning of the first two sub-paragraphs of paragraph 2 of the article, this would be dissipated by the terms of the third sub-paragraph. By this clause, the British and Turkish Governments undertake that, *pending the decision* to be reached on the subject of the frontier, no military or other movement shall take place which might modify in any way the present state of the territories of which the *final fate will depend upon that decision*. This, therefore, is a temporary settlement, pending a definitive settlement. The latter will be effected by the "decision to be reached", or, according to the Protocol of July 24th, 1923, relating to the evacuation of the Turkish territory occupied by the British, French and Italian forces, by the "determination of the frontier". Again this decision may be either an agreement between the Parties or, failing such agreement, the solution given by the Council. Now a decision on which the final fate of the territories in question depends can only be a decision laying down in a definitive manner the frontier between Turkey and Iraq binding upon the two States. This interpretation of the third sub-paragraph, which is indicated by the terms therein employed, is entirely in accordance with the conclusions drawn from the preceding sub-paragraphs and from Article 3 as a whole.

In the last place, it must be ascertained whether any other articles of the Treaty of Lausanne are calculated to throw any light upon the scope of Article 3. In this connection,

special regard must be had to Article 16 which has been cited both by Turkey and by Great Britain in support of their respective contentions. In the eyes of the Court, this article, under which Turkey "renounces all rights and title whatsoever over or respecting the territories situated outside the *frontiers laid down (prévues) in the present Treaty*", seems rather to furnish an argument in favour of the definitive character of the decision to be reached. The frontier of Iraq, though still remaining to be determined in accordance with Article 3, is, notwithstanding, a frontier laid down (*prévue*) by the Treaty, since there is no doubt that the expression "laid down" (*prévue*) can include both frontiers already defined and frontiers which have yet to be determined by the application of methods prescribed in the Treaty. The fact that, in a treaty, certain territories are indicated as ceded, or that rights and title to these territories are renounced even though the frontiers of them are not yet determined, has nothing exceptional about it. [22] For instance, all treaties of cession, in which provision is made for plebiscites, offer examples of the same kind. The same also applies to treaties which entrust the determination of certain frontiers to an international commission or to the decision of a third Party. In such cases the renunciation of rights and title is suspended until the frontier has been determined, but it will become effective, in the absence of some other solution, in virtue of the binding decision.

The other articles in the Treaty of Lausanne which bestow powers on the Council of the League of Nations, though they have been cited by the two Governments concerned, can hardly have any bearing on the interpretation of Article 3, from the point of view now under consideration, for they relate to situations very different from that under contemplation in that article.

Since the Court is of opinion that Article 3 is in itself sufficiently clear to enable the nature of the "decision to be reached" by the Council under the terms of that article to be determined, the question does not arise whether consideration of the work done in preparation of the Treaty of Lausanne (*les travaux préparatoires*) would also lead to the conclusions set out above. Nevertheless, it may be well also to consider Article 3 and the construction which the Court has placed upon it, in the light of the negotiations at Lausanne, for the Turkish Government has cited certain facts connected with those negotiations in support of its adverse opinion.

In the discussion which took place before the Council on September 19th, 1925, Tewfik Rouchdy Bey drew attention to a passage in the speech made by Lord Curzon at the meeting of January 23rd, 1923, in the course of which he had said:

"I do not know what it (the Council) will do; but my point is that the Turkish Delegation will be there just like ourselves, and when the two cases have been stated you will get the most impartial examination which it is possible to secure. Further, Article 5 of the Covenant provides that the decision of the Council upon which the Turkish Government will be represented, will have to be unanimous, so that no decision can be arrived at without their consent."

This passage, however, even if it is held that the preparatory work (*travaux préparatoires*) can be taken into account, in the- [23] Court's opinion cannot be used to interpret Article 3. It should in the first place be observed that this passage forms part of a speech formulating a proposal which was rejected by the Turkish Delegation ; but if the passage had at that time been understood in the sense in which Tewfik Rouchdy Bey now wishes to read it, this rejection is difficult to understand. And moreover, at the time when Lord Curzon made his first proposal to the effect that, failing agreement, the disputed question should be settled by the League of Nations, Article 3 did not yet exist, even in draft form. Turkey at that time had not accepted any obligation in regard to reference of the question to the League of Nations, nor had she accepted any invitation under the terms of Article 17 of the Covenant. By the adoption of Article 3 during the second phase of the Lausanne Conference and five months after Lord Curzon's speech, the legal position was fundamentally modified, and it is not there-fore possible to interpret this article by reference to statements relating to the situation previously existing: more especially since, neither in the drafts for Article 3, submitted on either side, nor in correspondence or records of proceedings belonging to that period which have been brought to the knowledge of the Court, was mention made - notwithstanding its importance - of the question of the consent of the Parties to the solution to be recommended by the Council. But assuming that a study of the preparatory work (*travaux préparatoires*) led to the conclusion that Article 3 should be interpreted as though it had been adopted subject to the condition that the Council could not arrive at any solution without the consent of the Parties, the action of the Council would, in effect, be reduced to simple mediation. Now this conclusion, which would eliminate the possibility of a definite decision capable, if necessary, of replacing agreement between the Parties, would be incompatible with the terms of Article 3, the interpretation of

which- as indicated, both from a grammatical and logical point of view as well as from that of the role assigned to that article in the Peace Treaty - has been set out above.

Nor is it possible to argue against the interpretation adopted by the Court on the ground that the first draft for Article 3, paragraph 2, prepared by the Allies, expressly stated that the frontier line should be "fixed in accordance with the decision to be given thereon by the Council of the League of Nations", whereas the Turkish counter-proposal employed in its second paragraph a [24] less precise wording: "the dispute shall be referred to the Council of the League of Nations", a wording that corresponds to the second sub-paragraph of paragraph 2 of the article as finally adopted, the terms of which had necessarily to be altered in consequence of the insertion of the clause providing for an amicable settlement. It should be pointed out that the Turkish counter-proposal in no way excluded a definitive decision by the Council, and that in his letter of March 8th, 1923, Ismet Pasha described the Turkish counter-proposals regarding territorial questions as in conformity with the proposal of the Allied Powers. It should also be observed that sub-paragraph 3 of the final draft of Article 3, paragraph 2, in which reference is made to a "decision to be reached", a "decision" on which will "depend" the "final fate" of certain territories, appears in neither of the two drafts referred to. This clause, the scope of which has already been considered when analyzing Article 3, hardly admits of an interpretation which would deprive the "decision to be reached" by the Council of its definitive character. For the same reasons, it renders it impossible to deduce from the divergence between the two drafts any arguments against the binding force of this decision:

The facts subsequent to the conclusion of the Treaty of Lausanne can only concern the Court in so far as they are calculated to throw light on the intention of the Parties at the time of the conclusion of that Treaty. The question put to the Council seems to refer solely to the interpretation of Article 3 of the Treaty; obligations which may have been assumed after the conclusion of the Treaty, or facts which may have had some influence in regard to the existence or nature of engagements entered into under the Treaty, would therefore seem to be outside the scope of the question submitted by the Council. Moreover, the Council, by keeping the questions put to the Court exclusively within the domain of Article 3, appears itself to adopt the standpoint that Article 3 is still at the present time applicable in its entirety.

In the Court's opinion, this view is well-founded; it considers that the attitude adopted by the British and Turkish Governments after the signature of the Treaty of Lausanne is only

valuable in the present respect as an indication of their views regarding the clauses in question. In this connection the exchange of views which took place between the Parties at the meetings held by the Council between September 20th and 30th, 1924 (inclusive), is of [25] especial importance. But the statements made by the Rapporteur, M. Branting, which were confirmed by the unanimous vote of all members of the Council, including the British and Turkish representatives, show that there was no disagreement between the Parties as regards their obligation to accept as definitive and binding the decision or recommendation to be made by the Council, with a view to fixing the frontiers.

For, it cannot be assumed that the representatives of the Parties would have declared that they accepted the solutions to be given by the Council as definitive, if, in their view, this constituted a new undertaking going beyond the scope of the obligations entered into under Article 3 of the Treaty. The fact that they have accepted beforehand the Council's decision upon the question now before it may therefore be regarded as confirming the interpretation which, in the Court's opinion, flows from the actual wording of the article.

In its telegram to the Court of October 8th, the Turkish Government adduced as an argument in favour of the correctness of its contentions, the fact that the Council itself had felt constrained to ask the Court for an advisory opinion as to the nature of the powers derived by it from Article 3 of the Treaty of Lausanne. This argument appears to rest on the following principle : if the wording of a treaty provision is not clear, in choosing between several admissible interpretations, the one which involves the minimum of obligations for the Parties should be adopted. This principle may be admitted to be sound. In the present case, however, the argument is valueless, because, in the Court's opinion, the wording of Article 3 is clear. Moreover, the attitude of the Council in the matter is sufficiently explained by a natural desire not to set aside the views of one of the Parties as to the role of the Council, without previously obtaining the Court's opinion upon this legal question.

The same telegram states that "the British representative having for his part declared before the Council that the previous undertakings given by his Government in regard to this point no longer hold good, the intention thus officially manifested resolves the question, in regard to which moreover no doubt could subsist". The Court, however, cannot admit that the declaration made by Mr. Amery at the Council meeting of September 19th, 1925 - which is no doubt the declaration referred to in the passage quoted - [26] bore the meaning which the

Turkish Government endeavours to read into it. For this declaration does not affect the rights and obligations following from Article 3 of the Treaty of Lausanne ; it only refers to the undertakings which Lord Parmoor and Mr. Amery himself had given during the previous deliberations of the Council, and only contemplates the event that Turkey - after the Court's opinion had been given - would persist in her refusal to recognize any obligation to accept in advance the Council's decision : it was only in this contingency that Mr. Amery reserved for Great Britain the same liberty of action as was claimed by the Turkish Government.

* * *

The Court, by an examination of the scope of Article 3, paragraph 2, of the Treaty of Lausanne, has thus arrived at the conclusion that that clause is designed to provide for a definitive settlement of the frontier. It will now proceed more closely to consider, with reference to the explanatory phrase appended to the first of the questions put, what the nature of this decision may be.

If the word "arbitration" is taken in a wide sense, characterized simply by the binding force of the pronouncement made by a third Party to whom the interested Parties have had recourse, it may well be said that the decision in question is an "arbitral award".

This term, on the other hand, would hardly be the right one, if the intention were to convey a common and more limited conception of arbitration, namely, that which has for its object the settlement of differences between States by *judges* of their own choice and *on the basis of respect for law* (Hague Convention for the pacific settlement of international disputes, dated October 18th, 1907, Article 37). It appears, in fact, that according to the arguments put forward on both sides before the Council, the settlement of the dispute in question depends, at all events for the most part, on considerations not of a legal character; moreover, it is impossible, properly speaking, to regard the Council, acting in its capacity of an organ of the League of Nations, as will be hereinafter described, as a tribunal of arbitrators.

For this reason, the Court feels that it should not attach any importance either to certain consequences which legal doctrine endeavours to deduce from the idea of arbitration, or to certain [27] rules of procedure adopted by courts or arbitration themselves,, though both have

been cited by the British Government. It will rather seek the answer to the question before it in considerations which seem peculiarly appropriate to the present case.

The Covenant of the League of Nations, while it in no way restricts the liberty of the Parties to entrust any dispute whatever that may arise between them to arbitration, refers in Article 13 to the more limited conception of arbitration; and the Council, whose first duty is to dissipate or settle political disputes, is never considered in the Covenant as exercising the functions of arbitrator within the meaning of that article.

Nevertheless, the Court holds that this fact does not prevent the Council from being called upon, by the mutual consent of the Parties, to give a definitive and binding decision in a particular dispute.

Though it is true that the powers of the Council, in regard to the settlement of disputes, are dealt with in Article 15 of the Covenant, and that, under that article, the Council can only make recommendations, which, even when made unanimously, do not of necessity settle the dispute, that article only sets out the *minimum* obligations which are imposed upon States and the minimum corresponding powers of the Council. There is nothing to prevent the Parties from accepting obligations and from conferring on the Council powers wider than those resulting from the strict terms of Article 15, and in particular from substituting, by an agreement entered into in advance, for the Council's power to make a mere recommendation, the power to give a decision which, by virtue of their previous consent, compulsorily settles the dispute.

Nor are precedents lacking of cases in which the Parties have undertaken beforehand to accept a recommendation by the Council, and this, in effect, is tantamount to entrusting it with the power of decision.

Thus, in the Upper Silesian question, which, moreover, was alluded to by the British representative at the Council meeting of September 19th, 1925, the Powers represented on the Supreme Council invited "the recommendation" of the Council of the League of Nations "as to the line" to be laid down (decision of August 12th, 1921, *Official Journal* of the League of Nations, 2nd year, No. 9, page 982) and "solemnly" undertook "to accept the solution [28] recommended by the Council of the League of Nations" (Note from M. Briand dated August 24th, 1921, *op. cit.*, Nos. 10-12, p. 1221); the latter in its turn adopted (on October 12th, *ibid.*) "a recommendation" which it transmitted to the President of the Supreme Council.

Similarly, in the Protocol of Venice of October 13th, 1921, concerning the delimitation of the frontier between Hungary and Austria, the latter Power undertook to accept "the decision recommended by the Council of the League of Nations" (*Treaty Series of the League of Nations*, Vol. IX, p. 204).

Since the object of Article 3, paragraph 2, of the Treaty of Lausanne is, as has been shown above, to bring about a definitive and binding settlement of the frontier, it follows that the decision which the Council has to take under that article cannot be regarded as a mere recommendation within the meaning of Article 15 of the Covenant. Such recommendation, in fact, would not settle the dispute ; moreover, it might result in placing in a position of inferiority a State which was not in possession of the territory which would be allotted to it by the frontier recommended; for, in the event of the Council's recommendation being in its favour, this State would not have an actual right to insist upon the cession of the territory in question.

But the fact that the "decision to be reached" by the Council under Article 3 of the Treaty of Lausanne cannot be described as a recommendation within the meaning of Article 15 of the Covenant, does not imply that the applicability of the latter article in the present case is excluded. For the various and more extensive powers conferred by the Parties in this case on the Council merely complete the functions which it normally possesses under Article 15. In agreeing to refer the dispute to the Council of the League of Nations, the Parties certainly did not lose sight of the fact that the powers of mediation and conciliation of the Council form an essential part of the functions of that body. If such procedure fails, the Council will make use of its power of decision. And, in actual fact, it would appear that the Council's efforts to settle the dispute in question have hitherto been made on these lines.

III.

The second question put to the Court is whether the decision of the Council of the League of Nations, to which the matter was [29] referred, under Article 3, paragraph 2, of the Treaty of Lausanne, must be unanimous or may be taken by a majority, and whether the representatives of the interested Parties may take part in the vote.

* * *

In order to reply to this question it should be observed in the first place that Article 3, paragraph 2, of the Treaty of Lausanne refers to the Council of the League of Nations, that is to say, to the Council with the organization and functions conferred upon it by the Covenant. The dispute has not been referred to one or more persons as such, but to the Council.

Now the Council, in accordance with Article 4 of the Covenant and the Resolution adopted by the Council on September 21st, 1922, which was approved by the Assembly on the 25th of the same month, consists of representatives appointed by four Great Powers, who are entitled to permanent seats upon it, and by six other Members selected by the Assembly. It may also include representatives of States invited to sit at the Council table by reason of the interest which they may have in some question upon its agenda; it is under this provision that in the present case the Council itself has invited a representative of Turkey to sit with it.

It is, therefore, composed of representatives of Members, that is to say, of persons delegated by their respective Governments, from whom they receive instructions and whose responsibility they engage.

In a body constituted in this way, whose mission is to deal with any matter "within the sphere of action of the League or affecting the peace of the world", observance of the rule of unanimity is naturally and even necessarily indicated. . Only if the decisions of the Council have the support of the unanimous consent of the Powers composing it, will they possess the degree of authority which they must have : the very prestige of the League might be imperilled if it were admitted, in the absence of an express provision to that effect, that decisions on important questions could be taken by a majority. Moreover, it is hardly conceivable that resolutions on questions affecting the peace of the world could be adopted against the will of those amongst the Members of the Council who, although in a minority, would, by reason of their political position, have to bear the larger share of the responsibilities and consequences ensuing therefrom. [30]

Again, the rule of unanimity, which is also in accordance with the unvarying tradition of all diplomatic meetings or conferences, is explicitly laid down by Article 5, paragraph 1, of the Covenant in the following terms:

"Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting."

No exceptions to this principle are made other than those provided for in the Covenant itself and in the Peace Treaties of which it constitutes the first part. The Treaty of Lausanne is not one of these Treaties. As regards the exceptions contained in the Covenant, it is clear that the present case does not fall within the scope of the second paragraph of Article 5 (questions of procedure). In the absence therefore of an express provision to the contrary in Article 3, paragraph 2, of the Treaty of Lausanne, the rule of unanimity applies in regard to the question before the Council.

The representative of the British Government has contended that the clause in Article 5 of the Covenant only contemplates the exercise of the powers granted in the Covenant itself. The Court cannot accept this view. Article 5 states a general principle which only admits of exceptions which are expressly provided for, and this principle, as has already been stated, may be regarded as the rule natural to a body such as the Council of the League of Nations. The fact that the present case concerns the exercise of a power outside the normal province of the Council, clearly cannot be used as an argument for the diminution of the safeguards with which, in the Covenant, it was felt necessary to surround the Council's decisions.

On the other hand, no one denies that the Council can undertake to give decisions by a majority in specific cases, if express provision is made for this power by treaty stipulations. That this is the case is confirmed by, amongst other things, Articles 44 and 107 of the Treaty of Lausanne, which have been cited on one side and the other in support of their respective contentions. The Court therefore regards these articles as tending rather to confirm the view which it has taken.

In support of the contention that the decision may be taken by a [31] majority, the principle generally accepted in the case of arbitral tribunals, in accordance with which such tribunals, as a rule, decide by a majority, has also been invoked ; and it has been argued that the main reason for the application of this principle is that it would often prove impossible to obtain any decision if unanimity were required. The Court has already explained why it cannot admit arguments and principles drawn from the theory and practice of arbitration in the limited sense of

the term. In particular, it should be observed that though certain arguments used by the representative of the British Government might be regarded as well-founded in the case of arbitrators appointed *ad hoc* and not forming a permanent body, they do not, on the other hand, apply in a case where the Parties have had recourse to a body already constituted and having its own rules of organization and procedure. Unless a contrary intention has been expressed, the interested Parties are in such cases held to have accepted such rules.

* * *

Unanimity, therefore, is required for the decision to be taken by the Council of the League of Nations, in virtue of Article 3, paragraph 2, of the Treaty of Lausanne, with a view to the determination of the frontier between Turkey and Iraq. The question has now to be considered whether the representatives of the interested Parties may take part in the vote.

In this connection, it should be observed that the very general rule laid down in Article 5 of the Covenant does not specially contemplate the case of an actual dispute which has been laid before the Council. On the other hand, this contingency is dealt with in Article 15, paragraphs 6 and 7, which, whilst making the limited binding effect of recommendations dependent on unanimity, explicitly state that the Council's unanimous report need only be agreed to by the Members thereof other than the representatives of the Parties. The same principle is applied in the cases contemplated in paragraph 4 of Article 16 of the Covenant and in the first of the three paragraphs which, in accordance with a Resolution of the Second Assembly, are to be inserted between the first and second paragraphs of that article.

It follows from the foregoing that, according to the Covenant itself, in certain cases and more particularly in the case of the settlement of a dispute, the rule of unanimity is applicable, subject [32] to the limitation that the votes cast by representatives of the interested Parties do not affect the required unanimity.

The Court is of opinion that it is this conception of the rule of unanimity which must be applied in the dispute before the Council.

It is hardly open to doubt that in no circumstances is it possible to be satisfied with less than this conception of unanimity, for, if such unanimity is necessary in order to endow a

recommendation with the limited effects contemplated in paragraph 6 of Article 15 of the Covenant, it must *a fortiori* be so when a binding decision has to be taken.

The question which arises, therefore, is solely whether such unanimity is sufficient or whether the representatives of the Parties must also accept the decision. The principle laid down by the Covenant in paragraphs 6 and 7 of Article 15, seems to meet the requirements of a case such as that now before the Council, just as well as the circumstances contemplated in that article. The well-known rule that no one can be judge in his own suit holds good.

From a practical standpoint, to require that the representatives of the Parties should accept the Council's decision would be tantamount to giving them a right of veto enabling them to prevent any decision being reached ; this would hardly be in conformity with the intention manifested in Article 3, paragraph 2, of the Treaty of Lausanne.

Lastly, it may perhaps be well to observe that since the Council consists of representatives of States or Members, the legal position of the representatives of the Parties upon the Council is not com-parable to that of national arbitrators upon courts of arbitration.

The votes of the representatives of the Parties are not, therefore, to be taken into account in ascertaining whether there is unanimity. But the representatives will take part in the vote, for they form part of the Council and, like the other representatives, they are entitled and are in duty bound to take part in the deliberations of that body. The terms of paragraphs 6 and 7 of Article 15 of the Covenant and of the new clause to be inserted in Article 16, clearly show that in the cases therein contemplated, the representatives of the Parties may take part in the voting, and that it is only for the purpose of determining whether unanimous agreement has been reached that their votes are not counted. There is nothing to justify a further derogation from the essential principles of unanimity and of the equal rights of Members. [33]

FOR THESE REASONS,

The Court is of opinion,

(1) that the "decision to be taken" by the Council of the League of Nations in virtue of Article 3, paragraph 2, of the Treaty of Lausanne, will be binding on the Parties and will constitute a definitive determination of the frontier between Turkey and Iraq;

(2) that the "decision to be taken" must be taken by a unanimous vote, the representatives of the Parties taking part in the voting, but their votes not being counted in ascertaining whether there is unanimity.

DONE in French and English, the French text being authoritative, at the Peace Palace, The Hague, this twenty-first day of November, one thousand nine hundred and twenty-five, in two copies, one of which is to be placed in the archives of the Court and the other to be forwarded to the Council of the League of Nations.

(Signed) Max Huber, President.

(Signed) Å. Hammarskjöld, Registrar.

[34] Annex.

Documents transmitted by the Secretary - General of the League of Nations in accordance with the Council's Resolution of September 19th, 1925:

1. Memorandum on the action of the Council of the League of Nations in the matter concerning the frontier of Irak: art. 3 (2) of the Treaty signed at Lausanne on July 24th, 1923.
2. *League of Nations Official Journal*, IVth Year, No. 3, March 1923, English and French editions.
Minutes of the 23rd Session of the Council.
3. *League of Nations Official Journal* Vth Year, No. 10, October 1924, English and French editions.
Minutes of the 30th Session of the Council.
4. *League of Nations, Official Journal*, Vth Year, No. 11, 1st Part, November 1924, English and French editions.
Minutes of the 31st Session of the Council.
5. Extracts Nos. 30, 30 (a), 30 (b), 30 (c), 30(d) from the *Official Journal of the League of Nations* (October 1925), English and French editions.
Minutes of the 35th Session of the Council.
6. Document C 384. 1924, VII, English and French editions.
Letter, dated August 6th, 1924, from the British Government to the Secretary-General of the League of Nations.
7. League of Nations Document C. 400. M. 147, 1925, VII.
Question of the frontier between Turkey and Iraq. Report submitted to the Council by the Commission instituted by the Council Resolution of September 30th, 1924.
8. Document C. 482. 1925, VII, English and French editions.
Report, dated September 1st, 1925, submitted by M. Undén to the Council of the League of Nations.
9. Certified true copies of letters, dated August 9th and September 1st, 1924 (from the Secretary-General of the League of Nations to the Turkish Minister for Foreign Affairs),

letter dated September 5th, 1924 (from the Turkish Minister for Foreign Affairs to the President of the Council of the League of Nations), and minutes annexed to the said letter, dated August 9th, 1924.

Documents submitted by the Secretary-General of the League of Nations at the request of the Court:

10. List of cases between States which have been dealt with by the Council.
11. Memorandum of certain treaty and other provisions concerning the competence and procedure of the Council of the League of Nations.

Documents other than Memoranda and Legal Opinions presented by the interested Governments:

12. *Red Book*, published by the Turkish Government on the Mosul question from the signing of the Armistice of Moudros (October 30th, 1918) to March 1st, 1925. Transmitted by the Turkish Government.
13. Telegram, dated October 8th, 1925, from the Turkish Government defining the position of that Government with regard to the questions put to the Court.
14. Letter, dated November 4th, 1925, from the Turkish Chargé d'affaires at The Hague to the Registrar of the Court.
15. Turco-Iraq frontier negotiations. Procés-verbaux of meetings held at Constantinople between May 19th and June 5th, 1924. (Separate issue transmitted by the British Government.) [35]
16. *Blue Book*, published by the British Government, *Treaty Series*, No. 16, 1923, Cmd. 1929. Treaty of Peace -with Turkey and other instruments signed at Lausanne on July 24th, 1923 and subsidiary documents forming part of Turkish Peace Settlements. Transmitted by the British Government.
17. *Blue Book* published by the British Government, Turkey No. 1, 1923, Cmd. 1814 (Lausanne Conference on Near Eastern Affairs, 1922-1923. Records of proceedings and draft terms of Peace). Transmitted by the British Government.

18. *Recueil des Actes de la Conférence de Lausanne* sur les affaires du Proche-Orient (1922-1923), published by the *Imprimerie Nationale*, Paris, 1923. Transmitted by both the interested Governments.