

Institution: Permanent Court of International Justice  
Type: Order  
Full Title: *Denunciation of the Treaty of November 2<sup>nd</sup>, 1865, between China and Belgium*  
Requested by: Government of Belgium  
Party(ies): Belgium vs. China  
Dated: June 18<sup>th</sup>, 1927  
Initiated:<sup>1</sup> November 26th, 1926  
Session: not available  
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**Content:**

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Order made on June 18<sup>th</sup>, 1927

*in file*      *in original*  
pp. 01-03    pp. [12-15]

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**In the text below original pagination is provided in [square brackets].**

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<sup>1</sup> date of the request for an advisory opinion or date of the application in contentious cases.

[12] Order

Made on June 18th, 1927.

<i>Present:</i>	Mm.	Huber,	<i>President,</i>
		Loder,	<i>Former President</i>
Lord	Finlay,		
Mm.	Nyholm,		
	Moore,		
	De Bustamante,		<i>Judges.</i>
	Altamira,		
	Oda,		
	Anzilotti,		
	Pessôa,		
		Yovanovitch,	<i>Deputy-Judge.</i>

THE COURT,

composed as above,

after deliberation,

makes the following *Order*:

The Permanent Court of International Justice;

Having regard to Article 48 of the Statute;

Having regard to the Application instituting proceedings dated November 25th, 1926, filed with the Registry of the Court on November 26th, 1926, on behalf of the Belgian Government and submitting to the Court a Case concerning the denunciation by the Chinese Government of the Treaty concluded on November 2nd, 1865, between Belgium and China;  
[13]

Having regard to the Orders made by the President in this case on January 8th and February 15th, 1927;

Whereas, by decision of December 14th, 1926, the President of the Court, in virtue of the powers conferred upon him by Article 33 of the Rules of Court, fixed the times for the filing of the documents of procedure in this case as follows:

for the Case, by the Applicant, Wednesday, January 5th, 1927;

for the Counter-Case, by the Respondent, Wednesday, March 16th, 1927;

for the Reply, by the Applicant, Wednesday, April 6th, 1927;

for the Rejoinder, by the Respondent, Wednesday, June 8th, 1927;

Whereas, in a communication dated January 17th, 1927, addressed to the Registrar of the Court, the Belgian Government informed him that, as the Belgian and Chinese Governments had decided by mutual agreement to reopen negotiations for the conclusion of a treaty abrogating that of 1865, the Belgian Government, being anxious to facilitate these negotiations, would be glad if, to meet a desire of the Chinese Government, the time allowed to the latter Government for the submission of its Case could be extended ;

Whereas, moreover, by a decision of January 20th, communicated to the Parties on the same date, the President of the Court, on receipt of this request and having regard to the fact that it appeared to be intended to meet a desire of the Chinese Government, which had not, at all events, opposed the extension sought, modified as follows the times fixed on December 14th, 1926:

for the Counter-Case, by the Respondent, Wednesday, May 25th, 1927;

for the Reply, by the Applicant, Wednesday, June 15th, 1927;

for the Rejoinder, by the Respondent, Wednesday, August 17th, 1927;

Whereas, by a further communication of May 2nd, 1927, addressed to the Registrar of the Court, the Belgian Government- [14] since it seemed that the negotiations for the conclusion of a new treaty would not lead to a definite result before the last date fixed for the filing of the Chinese Government's Counter-Case and in fulfilment of a promise made by them to the latter Government at the time of the opening of the above-mentioned negotiations-asked for a further extension of the various times;

As, furthermore, by a decision of May 10th, 1927, communicated to the Parties on the same day, the President, complying with this request, granted an extension until June 18th of the time for the filing of the Chinese Government's Counter-Case, whilst leaving to the Court itself, when it met, the fixing of the times for the filing of the Reply and Rejoinder respectively;

Considering that, by a letter to the Registrar of the Court dated June 14th, 1927, the

Belgian Government has, in the last place, for the reasons already set out in its above-mentioned communication of May 2nd, 1927, submitted to the Court a further request for an extension of the times for the written procedure in the case in question, without however proposing any date for the expiration of these times;

Considering that, in the circumstances indicated in the President's decision of January 20th, 1927, this request should be accorded;

THE COURT,

*Decides*, in accordance with the provisions of Article 33 of the Rules of Court, to fix as follows the subsequent times for the written proceedings in the case between Belgium and China concerning the termination by China of the Sino-Belgian Treaty of November 2nd, 1865:

for the Counter-Case, by the Respondent, Wednesday, February 15th, 1928;

for the Reply, by the Applicant, Sunday, April 1st, 1928;

for the Rejoinder, by the Respondent, Tuesday, May 15th, 1928. [15]

Done in French and English, the French text being authoritative, at the Peace Palace, The Hague, this eighteenth day of June, nineteen hundred and twenty-seven, in four copies, one of which is to be deposited in the archives of the Court, and the others to be forwarded to the Government of China, to the Government of Belgium and to the Secretary-General of the League of Nations respectively.

*(Signed)* Max Huber,

President.

*(Signed)* Å. Hammarskjöld,

Registrar.