
Institution:	Permanent Court of International Justice
Type:	Order
Full Title:	<i>Denunciation of the Treaty of November 2nd, 1865, between China and Belgium.</i>
Requested by:	Application of the Belgium Government
Party(ies):	Belgium vs. China
Dated:	August 13th, 1928.
Initiated: ¹	November 26th, 1926
Session:	Fourteenth (Ordinary) Session
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¹ date when the request for an advisory opinion or application was filed with the court Registry

[4] Permanent Court of International Justice

Before: Mm. Anzilotti, | *President,*
Huber, | *Former President,*
Lord Finlay
Mm. Loder, |
Nyholm, |
De Bustamante, | *Judges,*
Altamira,
Oda,
Pessoa,
Beichmann, | *Deputy-Judge,*

THE COURT,

composed as above,
after due deliberation,
makes the following *Order:*

The Permanent Court of International Justice,
Having regard to Article 48 of the Statute of the Court;
Having regard to Article 33 of the Rules of Court ;

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

Having regard to the Orders made by the President of the Court in this case on January 8th and February 15th, 1927; [5]

Having regard to the Orders made by the Court on June 18th, 1927, and February 21st, 1928;

Whereas, by a decision dated 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 as follows the times for the presentation of the documents of the written proceedings in this suit:

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, by communications dated January 17th, May 2nd and June 14th, 1927, and also February 20th, 1928, addressed to the Registrar of the Court, the Agent for the Belgian Government, stating that the Belgian and Chinese Governments had decided by mutual agreement to re-open negotiations for the conclusion of a new treaty to replace that of 1865, submitted to the Court requests for successive extensions of the time allowed to the Chinese Government for the presentation of its Counter-Case;

As, furthermore, in his communications of May 2nd and June 14th, 1927, the Agent for the Belgian Government stated that the negotiations in question, which were still pending, did not seem likely to reach a definite result before the date fixed for the filing of the Chinese Government's Counter-Case;

Whereas, by decisions given by the President of the Court on January 20th and May 10th, 1927, and by decisions given by the Court on June 18th, 1927, and February 21st, 1928, the requests for extension of times made on behalf of the Belgian Government, which requests appeared to be intended also to meet the desires of the Chinese Government, which had not, at all events, opposed the extensions sought, were successively granted; [6]

Whereas the Court, by its Order of February 21st, 1928, decided to fix as follows the subsequent times for the written proceedings in the suit between Belgium and China concerning the termination by China of the Chinese-Belgian Treaty of November 2nd, 1865:

for the Counter-Case, by the Respondent,

Wednesday, August 15th, 1928;

for the Reply, by the Applicant,

Monday, October 1st, 1928;

for the Rejoinder, by the Respondent,

Thursday, November 15th, 1928;

Whereas, by a letter addressed to the Registrar of the Court on August 3rd, 1928, the Agent for the Belgian Government has requested a further extension by six months of the times thus fixed;

Considering that the request for the extension sought is submitted as being in accordance with the wishes of the new Chinese Government and as justified by recent events in China which have not been calculated to facilitate the negotiations for the conclusion of a new treaty, which negotiations, begun in 1927 with the Government then established at Peking, must now be conducted with the new Government (established at Nanking) as soon as circumstances permit;

Considering that the Court has been able to satisfy itself that, according to a statement emanating from the Chinese Legation at The Hague, the present Government of China would have no objection to the granting of the new request for an extension of the times made by the Agent for the -Belgian Government in his communication of August 3rd, 1928;

Considering that, in these circumstances, this request should be granted;

THE COURT

Decides, in accordance with the provisions of Article 33 of the Rules, to fix as follows the further times for the written proceedings in the case between Belgium and China concerning the denunciation by China of the Chinese-Belgian Treaty of November 2nd, 1865: [7]

for the Counter-Case, by the Respondent,

Friday, February 15th, 1929;

for the Reply, by the Applicant,

Monday, April 1st, 1929;

for the Rejoinder, by the Respondent,

Wednesday, May 15th, 1929.

Done in French and English, the French text being authoritative, at the Peace Palace, The Hague, this thirteenth day of August, nineteen hundred and twenty-eight, 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) D. Anzilotti,
President.

(Signed) Å. Hammarskjöld,
Registrar.