

Institution:	Permanent Court of International Justice	
Type:	Order	
Title:	<i>Denunciation of the Treaty of November 2nd, 1865, between China and Belgium.</i>	
Requested by:	Government of Belgium	
Party(ies):	Belgium vs. China	
Dated:	May 25th, 1929	
Initiated: ¹	November 26th, 1926	
Session:	Sixteenth (Extraordinary) Session	
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In the text below original pagination is provided in [square brackets].

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¹ date of the request for an advisory opinion or date of the application in contentious cases.

[5] Permanent Court of International Justice

<i>Before:</i>	Mm. Anzilotti,	<i>President</i>
	Huber,	<i>Vice-President</i>
	Loder, Nyholm, De Bustamante, Altamira, Oda, Pessôa, Hughes,	<i>Judges,</i>
	Beichmann, Negulesco,	<i>Deputy-Judges.</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 of the Court;
Having regard to Article 61 of the Rules of Court;
Having regard to Article 28 of the Rules of Court;

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 [6] 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;

Having regard to the Orders made by the Court on June 18th, 1927, February 21st and August 13th, 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 Wednesday, January 5th, 1927, as the date of expiration of the time allowed for the filing of the Case by the Applicant, and this Case was in effect filed within the time thus fixed;

Whereas the Court, by its Order of August 13th, 1928, decided, after several extensions of the times, finally to fix as follows the subsequent time limits for the written proceedings in the case between Belgium and China concerning the abrogation by China of the Sino-Belgian Treaty of November 2nd, 1865:

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;

Whereas, by a letter dated February 13th, 1929, registered with the Registry of the Court on the following February 14th, the Agent of the Belgian Government before the Court in the suit requested the Registrar to inform the Court that the dispute between Belgium and China was practically settled by the conclusion of a preliminary treaty signed at Nanking on November 22nd, 1928, the ratification of which treaty would shortly take place, and that accordingly the Government of His Majesty the King of the Belgians withdrew the action brought by the Application of November 25th, 1926, and asked that the said action should be removed from the Court's list;

Whereas, according to the terms of another letter, dated March 4th, 1929, the Agent for the Belgian Government [7] informed the Registrar of the Court that the preliminary treaty of November 22nd, 1928, above mentioned had then been ratified;

Whereas the request made by the Belgian Government on February 13th, 1929, was submitted to the President of the Court, the latter not being in session at the time in question; as the President decided to leave it to the Court itself officially to record at the present session the fact that Belgium intended to break off the proceedings instituted by her against China; and as this decision was conveyed to the Belgian Government by a letter addressed on February 26th, 1929, by the Registrar to that Government's Agent before the Court;

Whereas the letter of the Belgian Government's Agent to the Registrar of February 13th, 1929, and the letter of the Registrar to the Belgian Government's Agent of February 26th, 1929, were duly communicated to the Chinese Government through the Chinese Legation at The Hague, which confined itself to an acknowledgment of receipt;

Considering that the Chinese Government, the Respondent in the suit in question, has never taken any proceeding in the suit before the Court;

Considering that, consequently, there is nothing to- prevent the unilateral withdrawal of the suit by the Belgian Government, the Applicant in the case;

Considering that, in these circumstances, the request of the latter Government, to the effect that the case be removed from the Court's list of cases, should be complied with;

THE COURT,

Records the fact that the Government of His Majesty the King of the Belgians intends to break off the action brought by it against the Government of the Republic of China by the Application instituting proceedings dated November 25th, 1926;

Declares that the proceedings begun in regard to the said suit are thus terminated;

Instructs the Registrar to cause the said suit to be removed from the Court's list of cases.

[8]

Done in French and English, the French text being authoritative, at the Peace Palace, The Hague, this twenty-fifth day of May, nineteen hundred and twenty-nine, 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.