

Institution: Permanent Court of International Justice  
 Type: Order  
 Full Title: *Case concerning the Delimitation of the Territorial Waters between the Island of Castellorizo and the Coasts of Anatolia*  
 Requested by: Special Agreement between Turkey and Italy  
 Party(ies): Turkey and Italy  
 Dated: January 26th, 1933  
 Initiated:<sup>1</sup> November 18th, 1931  
 Session: Twenty-Sixth (Extraordinary) Session  
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<sup>1</sup> date of the request for an advisory opinion or date of the application in contentious cases.

[4] Permanent Court of International Justice

<i>Present:</i>	MM. Adatci,	<i>President;</i>
	Guerrero,	<i>Vice-President;</i>
Baron	Rolin-Jaequemyns,	<i>Judges.</i>
Count	Rostworowski,	
MM.	Anzilotti,	
	Urrutia,	
Sir	Cecil Hurst,	
MM.	Negulesco,	
	Schücking,	
Jhr.	Van Eysinga,	
M.	Wang,	

The Permanent Court of International Justice,

composed as above,  
after deliberation,

*Makes the following Order:*

Having regard to Article 48 of the Statute of the Court;

Having regard to Article 61 of the Rules of Court;

Whereas, by a Special Agreement signed at Ankara on May 30th, 1929, the Government of the Turkish Republic and the Royal Italian Government agreed to request the Permanent Court of International Justice at The Hague to give its decision upon certain questions which had arisen in connection with the delimitation of the territorial waters between the island of Castellorizo and the coasts of Anatolia; [5]

Whereas, according to the Special Agreement, these questions were to be brought before the Court, as soon as the Special Agreement should have come into force, by means of a notification of the Special Agreement to the Registrar of the Court by either of the Parties;

Whereas the Special Agreement came into force on August 3rd, 1931, following upon the exchange of instruments of ratification;

Whereas the Special Agreement was notified to the Registrar of the Court, in accordance

with the terms of Article 40 of the Statute of the Court, by a letter dated November 18th, 1931, from the Turkish Chargé d'affaires at The Hague;

Whereas Turkey, which is not mentioned in the Annex to the Covenant of the League of Nations, was not, at that time, a Member of the League; and whereas she caused to be transmitted to the Registrar, together with the text of the Special Agreement, a declaration made in conformity with Article 35, paragraph 2, of the Rules of Court;

Having regard to the Orders of November 30th, 1931, March 8th, 1932, and June 23rd, 1932, whereby the Court fixed, and subsequently at the request of the Parties extended, the time-limits for the presentation by them of their Cases, Counter-Cases and Replies in the suit;

Whereas the time-limit ultimately fixed for the filing of the Cases expired on January 3rd, 1933;

Whereas, by a letter dated January 3rd, 1933, the Turkish Charge d'affaires at The Hague, by order of his Government, informed the Registrar, with reference to the provisions of Article 61 of the Rules of Court, that the Turkish Government, acting in agreement with the Royal Italian Government, was discontinuing the proceedings instituted on November 18th, 1931, and requested him to note this communication in order that the suit might, be removed from the Court's list;

Whereas, by a letter dated the same day, the Italian Minister at The Hague, by order of his Government, informed the Registrar, with reference to the provisions of Article 61 of the Rules of Court, that the Italian Government intended to break off the proceedings contemplated by the Special Arbitration Agreement of May 30th, 1929, and instituted by the letter of November 18th, 1931, of the Turkish Chargé d'affaires at The Hague, and requested the Registrar to take note of this intention in order that the proceedings might be terminated;

Whereas, the two Parties to the Special Agreement of May 30th, 1929, being thus agreed in their intention to break off proceedings, there is nothing to prevent the Court from recording this fact, which terminates the proceedings; [6]

Whereas, in these circumstances, the request of the two Governments concerned in the case to the effect that it be removed from the Court's list, should be complied with,

## THE COURT

Records the fact that, by mutual agreement, the Royal Italian Government and the Government of the Turkish Republic intend to break off the proceedings contemplated in the Special Agreement concluded at Ankara on May 30th, 1929, between Italy and Turkey ;

Declares that the proceedings begun in regard to the case concerning the delimitation of the territorial waters between the island of Castellorizo and the coasts of Anatolia are thus terminated ;

Decides that the said case shall be removed from the Court's list.

Done in English and French, the French text being authoritative, at the Peace Palace, The Hague, this twenty-sixth day of January, one thousand nine hundred and thirty-three, in three copies, one of which is to be deposited in the archives of the Court and the others to be transmitted to the Royal Italian Government and to the Government of the Turkish Republic respectively.

*(Signed)* M. Adatci,

President of the Court.

*(Signed)* Å. Hammarskjöld,

Registrar of the Court.