



C.L. 44. 1926. V.

Annex I.

Geneva, March 27, 1926.

Extract from minutes of the 7th meeting of the 39th
Session of the Council of the League of Nations,
held at Geneva on March 18th, 1926.

ADHESION OF THE UNITED STATES TO THE PROTOCOL OF THE PERMANENT
COURT OF INTERNATIONAL JUSTICE.

Sir Austen CHAMBERLAIN reminded the Council of the letter received by the Secretary-General from the Secretary of State in Washington communicating the terms on which the United States of America, with the consent of the Senate were prepared to adhere to the Protocol of Signature of the Statute of the Permanent Court of International Justice.

He then read the following statement:

The Senate resolution of January 27th, 1926, stipulates that the signature of the United States to the Protocol of December 16th, 1920, shall not be affixed until the Powers signatory to that protocol shall have indicated by an exchange of notes their acceptance of the first five paragraphs of that resolution. The protocol of 1920 is a multilateral instrument to which all the signatories are parties and the special conditions on which the United States desire to accede to it should also be embodied in a multilateral instrument. They cannot appropriately be embodied in a series of separate exchanges of notes.

The terms of some of the first five paragraphs of the Senate resolution affect in certain respects the rights of the States which have ratified the Protocol of December 16th, 1920,

and it is not usual that rights established by an instrument which has been ratified should be varied by a mere exchange of notes.

The terms of the fifth paragraph of the Senate Resolution necessitate further examination before they could safely be accepted by the States which are parties to the Protocol of 1920. This paragraph is capable of bearing an interpretation which would hamper the work of the Council and prejudice the rights of Members of the League, but it is not clear that it was intended to bear any such meaning. The correct interpretation of this paragraph of the Resolution should be the subject of discussion and agreement with the United States Government.

It should not be difficult to frame a new agreement giving satisfaction to the wishes of the United States Government, if an opportunity could be obtained for discussing with a representative of that Government the various questions raised by the terms of the Senate Resolution. To any such new agreement the States which have signed the Protocol of December 16th, 1920, and the United States Government would be parties.

I suggest that the most convenient course would be to propose to all the Governments which have received from the United States Government a copy of the Senate Resolution that a reply should be made indicating the difficulty of proceeding by way of a mere exchange of notes and the need of a general agreement. An invitation might also be addressed by the Council to all these Governments and to the Government of the United States to appoint a delegation to participate in the discussions as proposed above and in the framing of a new agreement at a meeting to be held here on September 1st of the current year.

The Council adopted the proposals of the British representative.