

N° 3561.

**BELGIQUE ET
GRANDE-BRETAGNE
ET IRLANDE DU NORD**

Accord relatif à la soumission de la
réclamation de M. Oscar Chinn à
la décision de la Cour permanente
de Justice internationale. Signé à
Bruxelles, le 13 avril 1934.

**BELGIUM AND
GREAT BRITAIN
AND NORTHERN IRELAND**

Agreement for the Submission of the
Claim of Mr. Oscar Chinn for
Decision by the Permanent Court
of International Justice. Signed at
Brussels, April 13th, 1934.

No. 3561. — AGREEMENT¹ BETWEEN THE BELGIAN GOVERNMENT AND THE GOVERNMENT OF THE UNITED KINGDOM FOR THE SUBMISSION OF THE CLAIM OF MR. OSCAR CHINN FOR DECISION BY THE PERMANENT COURT OF INTERNATIONAL JUSTICE. SIGNED AT BRUSSELS, APRIL 13TH, 1934.

English and French official texts communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Agreement took place December 20th, 1934.

THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (hereinafterwards referred to as the Government of the United Kingdom) and THE BELGIAN GOVERNMENT :

Whereas a dispute has arisen between them with regard to the claim made by the Government of the United Kingdom in respect of loss and damage alleged to have been sustained by Mr. Oscar Chinn, a British subject at all material times resident and carrying on business in the Belgian Congo;

And whereas the said loss and damage are said to be due to certain measures taken and applied in the month of June 1931 and subsequently thereto by the Belgian Government (which is responsible for the colonial administration) in connection with the Limited Liability Company " Union nationale des Transports fluviaux " (commonly known as " Unatra "), and in relation to fluvial transport on the waterways of the Belgian Congo ;

Having agreed to submit the said dispute by special agreement for decision by the Permanent Court of International Justice in conformity with Articles 36 and 40 of the Court's Statute² and Article 35 of the Rules of the Court ;

Have accordingly appointed as their Plenipotentiaries for this purpose :

THE GOVERNMENT OF THE UNITED KINGDOM :

His Excellency the Right Honourable Sir George CLERK, G.C.M.G., C.B., His Britannic Majesty's Ambassador at Brussels ;

THE BELGIAN GOVERNMENT :

His Excellency M. Paul HYMANS, Minister for Foreign Affairs ;

Who, having communicated their full powers, found in good and due form, have agreed as follows :

¹ Came into force April 13th, 1934.

² Vol. VI, page 379 ; Vol. XI, page 405 ; Vol. XV, page 305 ; Vol. XXIV, page 153 ; Vol. XXVII, page 417 ; Vol. XXXIX, page 165 ; Vol. XLV, page 96 ; Vol. L, page 159 ; Vol. LIV, page 387 ; Vol. LXIX, page 70 ; Vol. LXXII, page 452 ; Vol. LXXVIII, page 435 ; Vol. LXXXVIII, page 272 ; Vol. XCII, page 362 ; Vol. XCVI, page 180 ; Vol. C, page 153 ; Vol. CIV, page 492 ; Vol. CVII, page 461 ; Vol. CXI, page 402 ; Vol. CXVII, page 46 ; Vol. CXXVI, page 430 ; Vol. CXXX, page 440 ; Vol. CXXXIV, page 392 ; Vol. CXLVII, page 318 ; and Vol. CLII, page 282, of this Series.

Article 1.

(a) The Permanent Court of International Justice is asked to give judgment on the following questions :

(1) Having regard to all the circumstances of the case, were the above-mentioned measures complained of by the Government of the United Kingdom in conflict with the international obligations of the Belgian Government towards the Government of the United Kingdom ?

(2) If the answer to question 1 above is in the affirmative, and if Mr. Oscar Chinn has suffered damage on account of the non-observance by the Belgian Government of the above-mentioned obligations, what is the reparation to be paid by the Belgian Government to the Government of the United Kingdom ?

(b) The Court is, however, requested before fixing the amount of any reparation that may be payable to indicate the principles upon which such reparation shall be calculated. The Court is also requested to determine the procedure whereby the said amount shall be ascertained if, within a time-limit to be fixed by the Court, the contracting Governments have not reached an agreement on the sum to be paid.

Article 2.

With reference to Articles 43 and 48 of the Statute of the Permanent Court and Article 39 of the Rules of Court, the contracting Governments are agreed that the following documents shall be presented in the order stated below :

- (a) Case submitted on behalf of the Government of the United Kingdom ;
- (b) Counter-case submitted on behalf of the Belgian Government ;
- (c) Reply (if so desired) submitted on behalf of the Government of the United Kingdom ;
- (d) Rejoinder (if so desired) submitted on behalf of the Belgian Government.

The contracting Governments further agree in proposing that the Court shall give the following directions with regard to the time at which the above documents are to be filed :

- (a) The case on behalf of the Government of the United Kingdom, within two weeks of the date of the notification to the Court of the present Agreement ;
- (b) Counter-case on behalf of the Belgian Government, within six weeks of the filing of the case ;
- (c) Reply (if any) on behalf of the Government of the United Kingdom, within six weeks of the filing of the counter-case ;
- (d) Rejoinder (if any) on behalf of the Belgian Government, within four weeks of the filing of the reply.

Article 3.

The present Agreement shall come into force on the date of the signature, and may be notified to the Registrar of the Court forthwith by either Government.

Done at Brussels this 13th day of April, 1934, in English and French, both texts being equally authentic.

(L. S.) George R. CLERK.