

84. LE GREFFIER A L'AGENT DU GOUVERNEMENT HELLÉNIQUE

21 mai 1952.

Monsieur l'Agent,

A la date du 17 mai 1952, vous avez bien voulu déposer les conclusions du Gouvernement hellénique en l'affaire Ambatielos.

Le texte signé par vous contient les mots suivants, à la fin du premier paragraphe : « et également les articles 1 et 3 du traité du 16 juillet, 1926.... ». Je vous serais obligé de bien vouloir me faire connaître si ces numéros d'articles sont bien exacts ou s'il ne convient pas plutôt de lire « les articles 1 et 4 du traité ».

Veillez agréer, etc.

85. THE AGENT OF THE GOVERNMENT OF THE UNITED KINGDOM TO THE REGISTRAR

21st May 1952.

Sir,

I have the honour to refer to the question which Judge Hsu Mo put to the two Agents in the Ambatielos case at the public sitting of the Court on Saturday, 17th May (C.R. 52/3, page 3¹).

Judge Hsu Mo asked whether the United Kingdom Government did, or did not, ratify the Declaration of 1926 as well as the Treaty of 1926. I gave a provisional answer to this question, on behalf of the United Kingdom Government, at the end of the proceedings on 17th May (C.R. 52/3, page 51¹). I have now had an opportunity to investigate the matter further and I have the honour to ask you to convey the following information to the Court.

The original instrument of ratification of the Treaty of 1926 by the United Kingdom was handed to the Hellenic Government and Professor Henri Rolin, on behalf of the Hellenic Government, informed the Court that it had been destroyed during the war (C.R. 52/3, page 35²). I have, however, found in the Foreign Office records a copy of the United Kingdom's instrument of ratification, which was printed, and from this it appears that the United Kingdom did not ratify the Declaration. A certified photostat copy of this document is enclosed herewith³. It is true that the Declaration is printed on the back of the copy of the Treaty contained in the ratification, but this is only because the printed edition of the Treaty prepared for signature (which had the Declaration printed on the back) was also used, as is customary, for the instrument of ratification, and it should not be inferred that the ratification was intended to cover the Declaration as well as the Treaty.

As I pointed out to the Court, it is quite understandable that the United Kingdom's instrument of ratification should not refer to the Declaration, since the Declaration contains no provision expressly

¹ See p. 316.

² .. p. 333.

³ .. pp. 508-509.

requiring ratification to bring it into force and therefore, in accordance with the United Kingdom's constitutional practice, it came into force as regards the United Kingdom without the necessity for ratification. In this respect, it differed from the Treaty of 1926, Article 32 of which requires ratification.

The Court will observe that the Certificate of Exchange of Ratifications (a copy of which has been deposited with the Court by the Greek Agent) refers only to the Treaty, it thus conforms with the United Kingdom instrument of ratification, though it errs in stating that the respective ratifications of the two Parties were "exactly conformable to each other". The explanation may be that those responsible for exchanging the instruments of ratification did not consider the reference to the Declaration in the Hellenic Republic's instrument of ratification to be of any importance since only the Treaty contains a provision requiring ratification.

I have, etc.

(Signed) W. V. J. EVANS.

86. LE GREFFIER A L'AGENT DU GOUVERNEMENT HELLÉNIQUE ¹

23 mai 1952.

Monsieur l'Agent,

J'ai l'honneur de vous transmettre ci-joint copie d'une lettre du 21 mai 1952 ² par laquelle l'agent du Gouvernement du Royaume-Uni fait connaître sa réponse à la question posée par M. Hsu Mo à l'audience tenue par la Cour le 17 mai en l'affaire Ambatielos, ainsi que copie de l'instrument de ratification dont il est fait mention dans cette lettre.

Je ne puis vous adresser la photocopie certifiée conforme de cet instrument de ratification, le Gouvernement britannique n'en ayant transmis qu'un exemplaire. Celui-ci pourra être consulté au Greffe par vous-même ou par tout représentant accrédité par vous.

Veuillez agréer, etc.

87. L'AGENT DU GOUVERNEMENT HELLÉNIQUE AU GREFFIER

La Haye, le 24 mai 1952.

Monsieur le Greffier,

En réponse à votre lettre *sub* n° 16218 ³, j'ai l'honneur de vous informer qu'à la fin du premier paragraphe des conclusions du Gouvernement hellénique déposées au Greffe en l'affaire Ambatielos, on doit lire : « les articles 1, 3 et 4 du traité » ⁴.

Veuillez agréer, etc.

(Signé) N. G. LÉLY.

¹ La même communication a été envoyée à l'agent du Gouvernement du Royaume-Uni.

² Voir n° 85.

³ „ „ 84.

⁴ „ p. 325.