COMMUNICATION FROM THE GOVERNMENT OF PARAGUAY ANNOUNCING
THE WITHDRAWAL OF ITS DECLARATION RECOGNISING AS COMPULSORY
THE JURISDICTION OF THE PERMANENT COURT OF
INTERNATIONAL JUSTICE.

Note by the Secretary-General

The Secretary-General has the honour to transmit to the States Parties to the Protocol of Signature of the Statute of the Permanent Court of International Justice and to the Members of the League of Nations a communication dated May 27th, 1938, from the Envoy Extraordinary and Minister Plenipotentiary of Paraguay in France, containing a Decree of the Acting President of the Republic of Paraguay, dated April 26th, 1938, together with his reply to the Envoy Extraordinary and Minister Plenipotentiary of Paraguay in France.

I.
Letter from the Envoy Extraordinary and Minister Plenipotentiary of Paraguay in France to the Secretary-General.

Legation of Paraguay. PARIS, May 27th, 1938.

Acting on my Government's instructions, I have the honour to transmit to you, for appropriate action and with a request for its communication in the usual manner, the duly legalised Decree No. 6172 of April 26th, 1938, by which the Republic of Paraguay has withdrawn its declaration recognising the jurisdiction of the Permanent Court of International Justice as compulsory within the meaning of Article 36, paragraph 2, of the Statute.

Requesting you to be so good as to acknowledge the receipt of the present communication, I have the honour to be, etc.
Annexe

DECRETO No 6172

POR EL CUAL SE RETIRA LA ADHESION DEL PARAGUAY A LA JURISDICCION OBLIGATORIA ESTABLECIDA POR EL ESTATUTO DE LA CORTE PERMANENTE DE JUSTICIA INTERNATIONAL

Asunción, Abril 26 de 1938.

CONSIDERANDO:

Que el Poder Ejecutivo Nacional en virtud de la Ley N° 1298 de fecha 14 de enero de 1933 aceptó la jurisdicción obligatoria de la Corte Permanente de Justicia Internacional con arreglo al 2° párrafo del artículo 36 del Estatuto de dicho tribunal;

Que aquella aceptación fue en cierto modo una consecuencia de la participación del Paraguay en la Sociedad de las Naciones, por haber sido instituida la Corte en cumplimiento de una disposición del Pacto de Versalles;

Que el Paraguay dejó de ser miembro de dicha Sociedad;

Que, por otra parte, la aceptación o adhesión del Paraguay a la jurisdicción obligatoria de aquella Corte, fue otorgada pura y simplemente, sin comprometerse a mantenerla durante un plazo determinado;

Que la Ley N° 1298 antes recordada no contiene una regla imperativa y si solo una autorización al Poder Ejecutivo Nacional;

Que nada se opone, por consiguiente, al retiro de la adhesión prestada por el Paraguay a la jurisdicción referida;

Que, por lo demás, el litigio de límites existente entre el Paraguay y Bolivia tiene en un ajuste, el Protocolo del 12 de junio de 1935, un modo de definición especial dependiente de un arreglo directo o de un arbitraje de derecho cuyas bases fundamentales, modalidades y términos específicos, deben ser obra exclusiva de la voluntad de las partes interesadas;

POR TANTO y oído el parecer del Consejo de Ministros,

EL PRESIDENTE PROVISORIO DE LA REPUBLICA

DECLARA:

Art. 1° - Retirar la adhesión otorgada por el Paraguay a la jurisdicción obligatoria de la Corte Permanente de Justicia Internacional a que se refiere el 2° párrafo del artículo 36 del Estatuto de dicho tribunal.

Art. 2° - Comunicar a quienes corresponda esta resolución e insertarla en el Registro Oficial.

FIRMADO: FELIX PAIVA

Cecilio Báez

Ranón L. Paredes

Luís P. Frescura

Luís A. Argaña

José Bozzano

Andrés Barbero

G. Boungermini

ES COPIA:

V. Abente Saguier

Sub-Secretario de Relaciones Exteriores.
Annex.

DECREE No. 6172
BY WHICH PARAGUAY WITHDRAWS HER ACCEPTANCE OF THE COMPULSORY
JURISDICTION PROVIDED FOR BY THE STATUTE OF THE PERMANENT COURT
OF INTERNATIONAL JUSTICE.

Asunción, April 26th, 1938.

WHEREAS the National Executive Authority, in pursuance of Law No. 1298
of January 14th, 1933, accepted the compulsory jurisdiction of the Permanent
Court of International Justice in accordance with Article 36, paragraph 2, of
the Statute of the Court;

Whereas such acceptance was in some measure a consequence of Paraguay's
membership of the League of Nations, the Court having been set up in pursuance
of a provision of the Treaty of Versailles;

Whereas Paraguay has ceased to be a Member of the League;

Whereas, furthermore, Paraguay's acceptance of or adherence to the
compulsory jurisdiction of the Court was a simple acceptance or adherence unac-
companied by any undertaking to maintain such acceptance or adherence for any
stated period;

Whereas the above-mentioned Law No. 1298 contains no imperative rule,
but merely authorises the action of the National Executive Authority;

Whereas therefore nothing stands in the way of the withdrawal of Para-
guay's acceptance of the above-mentioned jurisdiction;

Whereas, moreover, in regard to the frontier dispute between Paraguay
and Bolivia, the Protocol of June 12th, 1935, provides for a special mode of
settlement to be reached through direct agreement or through legal arbitration,
the bases, manner and precise terms of which are to be determined exclusively
by the Parties concerned;

The opinion of the Council of Ministers, having been heard,

THE ACTING PRESIDENT OF THE REPUBLIC

DECLARIES AS FOLLOWS:

Article 1. The acceptance by Paraguay of the compulsory jurisdiction
of the Permanent Court of International Justice in accordance with Article 36,
paragraph 2, of the Statute of the Court is hereby withdrawn.

Article 2. The present decision shall be communicated to all whom it
may concern, and entered in the Official Registrar.

SIGNED: FELIX PAIVA
" Cecilio Báez
" Ramón L. Paredes
" Luis P. Frescura
" Luis A. Argaña
" José Bozzano
" Andrés Barbero
" G. Boungermini.
II.

Letter from the Secretary-General to the Envoy Extraordinary and Minister Plenipotentiary of Paraguay in France.


I have the honour to acknowledge receipt of the letter dated May 27th, 1938, in which, acting on your Government's instructions, you were good enough to transmit to me for appropriate action and with a request for its communication in the usual manner, the duly legalised Decree No. 6172 of April 26th, 1938, by which the Republic of Paraguay withdraws its declaration recognising as compulsory the jurisdiction of the Permanent Court of International Justice within the meaning of Article 36, paragraph 2, of the Statute of the Court.

In the absence of any express provision in the Court's Statute regarding the denunciation of declarations recognising the Court's jurisdiction as compulsory (Article 36, second and third paragraphs), I must confine myself to circulating your communication to the States Parties to the Protocol of Signature of the Statute of the Court and to the Members of the League of Nations.

I have the honour, etc.