UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CN.4/410/Add.1
30 March 1988
ENGLISH
ORIGINAL: ENGLISH/FRENCH/
RUSSIAN

INTERNATIONAL LAW COMMISSION
Fortieth session
Geneva, 9 May-29 July 1988

JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY

Comments and observations received from Governments

Addendum

CONTENTS

COMMENTS AND OBSERVATIONS RECEIVED FROM MEMBER STATES

BRAZIL

[Original: English]

[24 March 1988]

In part I (Introduction), it is to be noted that article 3 (Interpretative provisions) does not intend to define "State", but rather to indicate when proceedings instituted in a foreign court are to be considered proceedings against a State, for the purpose of the application of the rules of immunity. These proceedings may be instituted against a State eo nomine or against its agencies and instrumentalities, provided that these are entitled to perform acts in the exercise of the sovereign authority of the State. The same would apply in the case of representatives of the State acting in that capacity. This provision, as drafted, should give courts clear guidance on the matter.

With regard to part II (General principles), some remarks should be made concerning article 6 (State immunity), which expresses the basic principle of the draft articles. The Brazilian courts consider the doctrine of State immunity as absolute. Since there are no laws or regulations in force in Brazil providing specifically for jurisdictional immunities for foreign States and their property, or generally for the non-exercise of jurisdiction over foreign States and their property without consent, the Brazilian courts, when deciding on whether to accord jurisdictional immunities to foreign States and their property, apply what they consider to be a principle of international law. It is in this context that the Brazilian Government interprets article 6 and is in favour of its current formulation, since it states clearly that State immunity exists independently as a basic rule of international law. Thus, the purpose of the International Law Commission articles is to regulate immunity by determining the conditions for its application. For the Brazilian Government, article 6, in determining that State immunity is subject to the provisions of the articles, indicates that, as mentioned above, the articles establish the conditions for the application of State immunity, such as exceptions. Nevertheless, the reference in the same article to "relevant rules of general international law", currently between brackets, might be interpreted as admitting that, in addition to the limitations and exceptions expressly contained in the articles, there are further unspecified conditions to be found in other rules of international law. The usefulness of the articles would in this way be considerably weakened. For this reason, the words "and the relevant rules of international law" should be deleted.

The first question that arises in relation to part III ([Limitations on] [exceptions to] State immunity) concerns the title of this part. In accordance with its position regarding the general purpose of the articles, as stated above, the Brazilian Government would prefer the use of the term "exceptions to State immunity".

Among the positive elements in article 11 (Commercial contracts) is paragraph 2, which determines the exclusion of jurisdiction in the case of commercial contracts concluded between States or on a Government-to-Government basis. As to articles 12 (Contracts of employment) and 13 (Personal injuries and damage to property), the precedents of practice that can be invoked to justify the exceptions to State immunity contained therein do not indicate the existence of a general acceptance of those exceptions. For this reason, the Brazilian delegation has expressed reservations with regard to those articles in the debates in the Sixth Committee.

With regard to article 14 (Ownership, possession and use of property), paragraph 2 is to be understood as not contradicting paragraph 3 of article 7 (Modalities for giving effect to State immunity) in fine. In the case of article 15 (Patents, trade marks and intellectual or industrial property), the relationship between subparagraph (a), which deals specifically with the determination of the rights of the State in a legally protected intellectual or industrial property registered in another State (the State of the forum), and subparagraph (b), which covers the situation in which there is an alleged infringement by a State in the territory of the State of the forum of any right which belongs to a third person and is protected in the State of the forum, should be further clarified. The exceptions to State immunity contained in articles 18 (State-owned or State-operated ships engaged in commercial service) and 19 (Effect of an arbitration agreement) are to be found in the generally accepted practice of States.

In part IV (State immunity in respect of property from measures of constraint), article 22 (Consent to measures of constraint) is in line with the general provision on consent contained in article 8 (Express consent to exercise of jurisdiction). In relation to article 23 (Specific categories of property), it is not strictly necessary to list the specific categories of property in use or intended for use for commercial purposes, since the property mentioned is not by its very nature to be considered commercial property.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

[24 March 1988]

General comments

As a general assessment of the draft articles on jurisdictional immunities of States and their property adopted by the Commission, the Byelorussian SSR wishes to note that, as before, the concept of functional immunity lies at the basis of the draft articles. The codification of the principle of the jurisdictional immunity of States and their property cannot be based on this concept, since it contradicts a universal and important principle of international law, namely the principle of the sovereign equality of States. The draft articles do not take into account the position of those States which do not support the concept of functional immunity,

and this cannot be acceptable in establishing an international legal instrument which is universal in nature. The codification of the norms of international law and their progressive development must be effected by identifying universally recognized norms and establishing provisions which are acceptable to all, taking into account the legislation and practice of States.

Work on the draft articles should be continued in order to eliminate this defect and to balance the principle of the jurisdictional immunity of States with the sovereign right of States to consent to the settlement of disputes in the courts of foreign States, and also with the right to States to exercise exclusive jurisdiction over their own territories and, in that connection, to regulate questions involving the immunity of foreign States and their property. Above all, revision of parts III and IV of the draft articles in particular is needed.

It would also be advisable to reflect in the draft articles the concept of segregated State property, which is widely recognized in the socialist countries and means that a State enterprise, as a legal entity, possesses a segregated part of national property. Its property consists of fixed and working capital, stocks of materials and equipment and financial resources. The enterprise owns, uses and disposes of this property. The State is not answerable for the obligations of the enterprise, and the enterprise is not answerable for the obligations of the State and other enterprises.

Specific comments on individual articles

Article 2

The draft articles contain article 2 (Use of terms), which according to its title is designed to indicate the meaning of all the terms used. However, in addition to article 2 there is article 3, explaining the meaning of the expression "State". The Commission, as an argument to justify the inclusion of this article, refers to the existence of various approaches in the jurisdiction of States to the meaning of the expression "State" (A/CN.4/L.403/Add.2).

In this connection it is relevant to note that the inclusion of a separate article explaining the meaning of the expression "State" does not in itself help States to reach a compromise in the understanding of this expression, taking into account the purposes of the proposed articles. The definition of the expression "State" should consist to the greatest possible extent of what is common to all States; it would then be possible by invoking it to have the right to declare jurisdictional immunity.

Article 3

The division of State bodies into categories in article 3, paragraph 1, appears to be mistaken, since it does not include all existing State entities. The terms "agencies or instrumentalities of the State", "various organs of government" and "political sub-divisions of the State" also require clarification and, as a whole, impede the understanding of the expression "State". All States exercise their international legal personality through the activities of the bodies or

persons representing them, whose powers are determined by national legislation. Consequently, these bodies and persons are accorded sovereign authority to carry out their functions, and therefore have the right to claim jurisdictional immunity.

Taking into account the foregoing, the following wording is proposed for article 3, paragraph 1, which should become the corresponding paragraph of article 2: "The 'State' means the State and its various organs and representatives which are entitled to perform acts in the exercise of the sovereign authority of the State."

The content of article 3, paragraph 2, is not related to the definition of terms and does not fall within the context of articles 2 and 3. The provision contained in it is more closely linked with article 11 (Commercial contracts).

Article 6

There is great significance in the establishment in article 6 of the basic principle to be followed in formulating all the other norms, namely the principle of the immunity of States whereby a State enjoys immunity, in respect of itself and its property, from the jurisdiction of the courts of another State. The reference in the article to "the relevant rules of general international law" suggests that there are norms of law which were not taken into account in formulating the articles. It is illogical to seek exceptions from immunity outside the framework of the draft articles, the purpose of which is first and foremost to codify the existing norms of general international law.

Article 7

The content of draft article 7 does not correspond to its title. The article is concerned not with modalities for giving effect to State immunity, but with a political and legal assessment of the situation where a proceeding of one State is brought before a court of another State. Therefore, it would be advisable either to make the title of article 7 more precise or to combine that article with article 6.

Part III

The Byelorussian SSR considers that in the heading of part III of the draft articles, it would be more logical to use the word "exceptions", and their number must be limited. Serious objections may be made to the exceptions included in this part. Article 13, for example, refers to an act or omission which is alleged to be attributable to a State, and the prosecution of that State. It is clear, however, that personal injuries and damage to property take place as a result of an act or omission on the part of an individual or legal entity, and the regulation of the legal relations arising in connection with compensation for damage is outside the scope of the draft articles. The illegality of an action committed by a State is determined on the basis of international procedures, in which case it is a question of the international responsibility of States, which is not subject to the jurisdiction of national courts. The proposed wording of article 13 makes it legally unsound.

Article 18

Article 18 of the draft articles would be difficult to adopt in its current wording. The introduction of the concept of segregated State property could facilitate the solution of a number of complex issues arising for many States.

Article 21

A more precise formulation is needed for article 21. The words "from measures of constraint, including any measures of attachment, arrest and execution" in the first paragraph could be replaced by the following: "from any measures of constraint of an executive or judicial nature, including attachment and arrest."

Part IV

From a structural point of view the draft articles would be more complete if part IV (articles 21-23) were moved to part II. Then part II of the draft would contain articles that were logically connected with each other. Articles 6 and 7 establish the need for the observance in inter-State relations of the principle of the jurisdictional immunity of States and their property. This principle would be given further legal development in the articles establishing the immunity of States from measures of constraint (articles 21-23).

The draft articles drawn up by the Commission require substantial revision, which could take place during the second reading.

CAMEROON

[Original: French]

[24 March 1988]

Article 3, paragraph 2

The Government of the Republic of Cameroon is uncertain as to whether the conditions set forth in paragraph 2 for determining whether a contract for the sale or purchase of goods or the supply of services is commercial are cumulative or whether only one of these conditions might suffice.

If the conditions are cumulative, the paragraph as it is worded does not cause us any problems. If only one might suffice, however, Cameroon believes that the comma before the word "but" should be replaced by a period.

Article 6

The Government of Cameroon favours retaining the phrase in square brackets "and the relevant rules of general international law" in the final text. The reason is that the affirmation of immunity from State jurisdiction is of purely declaratory value in this text, because the very principle of such immunity is based on general international law. It follows that this provision constitutes

only one specific way which the parties to the future convention have agreed for the implementation of the principle. Furthermore, there is no justification for assuming that this particular convention can completely and definitively replace the rule of international law, which can always be invoked in the interpretation of the convention or within the framework of relations between States which are not parties to the convention, or even by agreement between two or more States which consider the provisions of the convention inadequate.

In any case, far from limiting a priori the scope of the convention, the reference to general international law develops its potential and ensures that it continues to be adaptable to any subsequent developments in the international legislative order.

Part III

The Government of the Republic of Cameroon shares the view that State immunity is a fundamental principle of international law whose application is subject to certain limits, and therefore suggests that part III should be entitled "Limitations on the application of State immunity".

Article 19

The current wording of this article is very imprecise with regard to the court before which the State party to an arbitration agreement with a foreign person loses the right to invoke immunity from jurisdiction. As a general rule and in practice, the arbitration agreement (compromise) determines the competent court, or sets forth in that regard details which are so clear that it is unlikely that its exact location or nationality remain unspecified. In these circumstances, draft article 19 should be reworded so that the State party to an arbitration agreement retains the right to invoke its immunity before the court of a State which is not involved or designated in the agreement unless expressly stipulated by the latter).

GERMANY, FEDERAL REPUBLIC OF

[Original: English]

[24 March 1988]

General comments

The draft is based on the principle that a State enjoys immunity from the jurisdiction of the courts of another State (article 6). Articles 9 to 19 contain a list of typical cases where States cannot invoke immunity. There is a tendency in recent international law to limit the immunity of a State from the jurisdiction of the courts of another State. It would be desirable that the draft be formulated more in line with the European Convention on State Immunity of 16 May 1972 (hereinafter referred to as the "European Convention"). The European Convention does not treat the relationship between cases in which immunity exists and cases in which no immunity exists as a rule/exception relationship.

Specific comments on individual articles

Article 3 (1)

First of all, it is to be noted that the whole draft - unlike the European Convention - does not contain any special provisions for federal States.

Article 3 (1) (c) assumes that corporations, establishments of indirect State administration and similar institutions (agencies or instrumentalities) may invoke immunity. This contradicts European practice as expressed in article 27 of the European Convention. Courts in the Federal Republic of Germany have also held that such institutions may only invoke immunity when acting in the exercise of sovereign authority (acta jure imperii).

Article 3 (2)

In determining whether a contract is commercial within the meaning of article 2 (1) (b), reference should be made primarily to the nature of the contract in accordance with article 3 (2), but the purpose of the contract should also be taken into account if in the practice of the State concluding the contract that purpose is relevant to determining the non-commercial character of the contract. The opinion of the State concluding the contract is, however, ireelevant since it is the State of the forum which decides upon the character of the contract when determining immunity. It would also in substance contradict the rule applied in many parts of the world according to which the nature and external form of the activity underlying a dispute is decisive, and not its purpose. In this respect, article 3 (2) has no parallel in the European Convention. It thus also contradicts the ruling of the Constitutional Court of the Federal Republic of Germany. 1/

Article 4 (2)

Article 4 (2) makes no reference to certain types of immunity with the exception of that for heads of State. It would be advisable to introduce a clause generally clarifying the fact that types of immunity other than jurisdictional immunity of States remain unaffected.

Article 6

The reference to the relevant rules of general international law which is envisaged, although placed in brackets, is appropriate. State practice is in a state of development. It would therefore be wrong to give the impression that codification is intended to impede further development by laying down certain rules. Reference to customary international law prevents any uncertainty as to the relationship between general international law and the provisions of the draft. The community of States remains free to continue to develop existing principles in

---

1/ Cf. Entscheidungen des Bundesverfassunggerichtes, vol. 16, p. 27 (61 et seq.).

accordance with modern needs. The rules are to be interpreted in accordance with existing international custom.

Article 7

The provision should be supplemented by clear rules on the burden of presentation and the obligation of the courts to examine its jurisdiction without being of the nature of a rule/exception provision (cf. comments on article 3 (2) supra). It should also be clarified that State immunity is to be respected by the courts ex officio, i.e. that no default judgement may be rendered against States where a judge has the possibility to recognize that the prerequisites for immunity have been fulfilled.

Article 11

The term "commercial contract" is insufficiently defined. Although article 2 does contain a definition of the term, this definition is questioned by article 3 (2). An attempt seems to have been made to account for varying views as to the extent of immunity. This attempt leads, however, to contradictions jeopardizing the application of this decisive rule.

It may be noted in addition that, for the sake of greater clarity, the wording "is considered to have consented to the exercise of that" (article 11 (1)) should be replaced by "cannot invoke immunity from" and the last part of the sentence beginning with "and accordingly" should be deleted in order to avoid the impression that States might obtain a greater measure of immunity by advance declarations. The proposed wording "cannot invoke" is also used elsewhere in the text.

It is also unclear whether the term "transaction" (article 2 (1) (b) (i)) also comprises purely factual activities such as fishing or drilling for oil, which are not legal acts. Use of the term "activity" contained in article 7 of the European Convention can serve to clarify the fact that immunity cannot be invoked for such commercial activities either.

Article 12

It is not clear whether the broader meaning of the term "State" in article 3 (1) is intended and justified here. Clarification would appear necessary, particularly in view of the non-application provision in paragraph 2. The exception provided for by paragraph 2 (a) is extraordinarily broad and could serve to invalidate the provision as a whole. A link with the exercise of "governmental authority" can probably be established in practically all contracts of employment. Since it also gives rise to substantial difficulties of interpretation, paragraph 2 (a) should be deleted. The European Convention (article 5 (2)) does not contain any such exception either.

The exception provided for by paragraph 2 (b) also seems questionable. It could lead to substantial difficulties of interpretation. It is, for example, not clear whether it covers the question of the validity of a dismissal, which is the key issue of numerous labour disputes. The result would be that all major cases of

labour disputes could be subject to immunity. The same is true of the exception concerning the "recruitment" of an individual. The exception provided for in paragraph 2 (b) should therefore also be deleted (cf. article 5 (2) of the European Convention).

The exception provided for in paragraph 2 (c) could give rise to doubts from the point of view of the constitutional law of the Federal Republic of Germany.

The reference in paragraph 2 (e) to public policy (ordre public) should be deleted since all exclusive jurisdiction is based on considerations of public policy. It is not possible to distinguish between exclusive jurisdiction based on considerations of public policy and exclusive jurisdiction based on other considerations. Wording in line with article 5 (2) (c) of the European Convention would be desirable.

Article 13

The exclusion of immunity in the case of injuries or damage the author of which was present in the State where the injuries or damage occurred is in line with article 11 of the European Convention. There is, however, a danger of the reverse conclusion being drawn that immunty can always be invoked for transborder injuries or damage. It must be made clear that this is not the case.

The problem is even more critical because, according to article 7 (2) and (3) of the draft, proceedings against the author of a damage acting in the (special) interest of a State may be considered to have been instituted against that State itself. This would apply even in cases where a detrimental emission may have resulted from an incident caused by negligence.

At any rate, the problem has been recognized in the multilateral conventions dealing with this matter. Under article 13 of the Paris Convention on Third Party Liability in the Field of Nuclear Energy, 2/ no immunity may be invoked in contentious proceedings against a Contracting Party; the same is true of article XIV of the Vienna Convention on Civil Liability for Nuclear Damage, 3/ which is not in force for the Federal Republic of Germany.

Article 17

What is probably meant by the restriction provided for by paragraph 1 (b) is that the principal place of business is to be regarded as but one of three alternative criteria. Even though this does not directly affect controversies under company law as regards the jurisdictional basis, the Federal Republic of Germany does not approve of this criterion's being placed on an equal footing with

---

2/ United Nations Environment Programme, Selected multilateral treaties in the field of the environment (UNEP Reference Series No. 3, 1983), p. 159.

3/ Ibid., p. 179.

the others. Nor is it to be overlooked that the lack of an order or precedence might lead to several concurrent jurisdictions.

Article 18

Taking as the criterion the type of activities carried out by State-owned or State-operated ships is in accord with the principle laid down in article 11 in respect of contracts. However, making immunity depend solely on whether or not a ship is engaged in governmental service would give an unjustified advantage to countries which engage in shipping primarily for State-trading purposes. The bracketed word "non-governmental" should therefore be deleted.

The provision that a State may invoke immunity from jurisdiction when operating a ship owned by that State and engaged in commercial service, should be avoided. Such a provision would also contradict:

(a) Article 3 (1) of the International Convention of 10 April 1926 for the Unification of Certain Rules relating to the Immunity of State-owned Vessels; 4/

(b) Article 11 of the Convention of 23 September 1910 for the Unification of Certain Rules of Law with respect to Collision between Vessels; 5/

(c) Article 14 of the Convention of 23 September 1910 for the Unification of Certain Rules of Law respecting Assistance and Salvage at Sea; 6/

(d) Article XI of the International Convention of 29 November 1969 on Civil Liability for Oil Pollution Damage. 7/

This view has been confirmed by statements made by a number of States on ratifying the International Convention of 29 November 1969 on Civil Liability for Oil Pollution Damage, i.e. that they do not consider themselves bound by article XI (2) of the Convention, according to which each State shall be subject to suit in court with respect to ships owned by it and used for commercial purposes. Many States, including the Federal Republic of Germany, have stated that they cannot accept such a reservation because according to international law no State may invoke immunity for ships intended for or engaged in commercial service.

It is also unclear what the difference is between the terms "engaged in commercial service" and "in use or intended exclusively for use for commercial

---

4/ Reichsgesetzblatt, 1927 (II), pp. 484 and 487; League of Nations, Treaty Series, vol. 120, p. 187.

5/ Ibid., 1913, p. 409; United States Treaty Series, No. 576.

6/ Ibid., p. 66; United States Treaty Series, No. 576.

7/ Ibid., 1975 (II), p. 305; International Legal Materials, vol. 9, p. 45.

purposes" in article 18 (1), (2), (4) and (5). The use of uniform terminology would be desirable.

Article 18 (2) substantially broadens the right of a State to invoke immunity as compared to article 3 (1) of the aforementioned Convention of 1926, by allowing a State to invoke immunity not only in cases where a ship of the category referred to in paragraph 2 is to be confiscated, arrested or detained or where in rem proceedings are to be instituted. Immunity could also be invoked where it is only a matter of asserting one of the claims referred to in paragraph 1 in conjunction with paragraph 2 by court action. As stated in connection with article 11 of the draft, it seems doubtful whether it is appropriate that States should be able to invoke immunity for purely factual activities which are not legal acts. The Federal Republic of Germany would therefore propose that in further deliberations the wording of the provision be brought more closely in line with article 3 (1) of the 1926 Convention. Finally, it is unclear whether the wording "a claim in respect of ... other accidents of navigation" in article 18 (3) also covers a claim for oil pollution damage within the meaning of article I of the 1969 Convention. It should be made clear that such claims are covered by article 18 (3) (a) of the draft convention.

Article 18 (5) also substantially exceeds the provision of article 3 of the 1926 Convention by providing that a State is entitled to invoke immunity even in connection with claims asserted in court in respect of the carrying of cargo not belonging to that State. Even in proceedings resulting from collision, accidents of navigation, assistance, salvage and general average it would be possible to invoke immunity. Here, too, it would be more appropriate to follow the provisions of article 3 (2) and (3) of the 1926 Convention.

Article 20

The clarification is appropriate.

Article 21

The bracketed wording "or property in which it has a legally protected interest" would lead to a State's being entitled to invoke immunity even if property to be subjected to measures of constraint is owned by an indivual. Such extension of immunity is not justified. It would have unpredictable consequences and lead to abuse.

Moreover, attention is drawn to the following: According to the ruling of the Constitutional Court of the Federal Republic of Germany, 8/ measures of constraint are inadmissible if at the time they are initiated the property concerned is used for governmental purposes of another State. This does not mean, however, that there is a rule/exception provision, that is to say, that the burden of proving the

---

8/ Entscheidungen des Bundesverfassunggerichtes, vol. 46, pp. 342 et seq.; ibid., vol. 64, p. 1 et seq.

exception lies invariably with the execution creditor seeking to levy execution against the property of a foreign State. The Federal Constitutional Court found that in cases where execution is sought against a bank account kept in a private bank by a foreign State the burden of proof of the account being kept for governmental purposes rests with the State invoking immunity, such proof being deemed by the Federal Constitutional Court to have been furnished if the account serves the maintenance of a diplomatic mission. In other cases the foreign State may have to bring further proof of a governmental purpose.

The tendency existing in modern State practice to grant immunity to foreign States in respect of commercial activities only in exceptional cases by introducing stricter rules of evidence should be examined once again to determine whether differences between immunity granted for contentious proceedings and immunity granted for enforcement proceedings ought not to be kept to a minimum.

Article 23

The bracketed addition "non-governmental" in paragraph 1 should be deleted.

Moreover, paragraph 1 (a) gives rise to doubts. The wording "is used or intended for use for the purposes of ..." goes beyond the decision of the Constitutional Court of the Federal Republic of Germany 9/ according to which only property serving to carry out the official functions of a diplomatic mission is protected from measures of constraint. The meaning of the provision in question seems to be that property of a diplomatic mission shall be generally immune from measures of constraint.

Paragraph 1 (c) grants property of central banks immunity from measures of constraint independent of whether the property in question serves the specific activities of a central bank or other activities which are not part of the specific activities of a central bank, e.g. activities which may also be carried out by commercial banks. Such extension of immunity from measures of constraint is unjustified and the provision should be modified. Under the ruling of the Constitutional Court of the Federal Republic of Germany, governmental activities of a central bank are to be distinguished from other activities.

It should be made clear that immunity may only be claimed by such property of central banks or other monetary authorities of foreign States as serves monetary purposes (e.g. issuance and withdrawal of banknotes, regulation of international payment transactions).

Article 25 (1)

In connection with article 7, it has already been stressed that immunity must be respected ex officio. In applying article 25 there is a danger that a default judgement will be rendered merely by virtue of due service of process in accordance

---

9/ Ibid., vol. 46, p. 343.

with article 24. The defendant State would then have to claim immunity in court although it may not be brought before a court. This situation is intolerable and should be clarified by adding the wording "if the court has jurisdiction".

Article 26

The restriction of immunity to monetary measures of coercion is questionable. Article 18 of the European Convention contains a parallel to article 27 of the draft, but not to article 26.

Article 27 (2)

The non-requirement of security is not justified in cases where the State is acting as claimant. A corresponding regulation in article 17 of the European Convention is only justifiable because article 20 of that Convention requires States to give effect to judgements of other States (including decisions as to costs) rendered against them. Such a regulation is missing in the draft of the International Law Commission. Article 27 (2) of the draft should therefore be restricted to cases in which a State is acting as defendant. This would be in line with article 17 of the Hague Convention relating to Civil Procedure of 1 March 1954. 10/

10/ United Nations, Treaty Series, vol. 286, p. 265.