Request for Advisory Opinion by l'Association Africaine de Défense des Droits de l'Homme (Advisory Opinion) (2017) 2 AfCLR 637

Application 002/2016, *Request for Advisory Opinion by L'association Africaine de Défense des Droits de l'Homme*

Order 28 September 2017. Done in English and French, the French text being authoritative.

Judges: ORE, KIOKO, NIYUNGEKO, GUISSE, BEN ACHOUR, BOSSA, MATUSSE, MENGUE, MUKAMULISA, CHIZUMILA and BENSAOULA

The Court held that it did not have jurisdiction to consider a request for an Advisory Opinion by an NGO that was not recognised by the African Union.

Jurisdiction (request for advisory opinion, African organisation, 26-9, recognized by the African Union, 32-34)

Separate opinion: BEN ACHOUR

Jurisdiction (request for advisory opinion, 8, 9)

Separate opinion: MATUSSE

Procedure (decision, 13, 15, 20)

I. The Applicant

1. The Request for Advisory Opinion dated 10 May 2016, received at the Registry on 8 July 2016, was submitted by *l'Association Africaine de Défense des Droits de l'Homme* (ASADHO) (hereinafter referred to as "the Applicant"), a non-profit Non-Governmental Organisation (NGO) registered as per Ministerial Edict No. 370/CAB/MIN/J§DH/2010 of 7 August 2010, and based in the Democratic Republic of Congo. The Applicant's main objective is the defense and promotion of human rights.

II. Circumstances and subject of the request

2. The Applicant states that, in discharging its mission, it participated under the platform of African Non-Governmental Organisations operating in the natural resources sector known as the International Alliance on Natural Resources in Africa (IANRA) in case studies on the impact of extractive industries on members of local communities in Angola, Democratic Republic of Congo, Kenya, South Africa and Zimbabwe.

3. The Applicant avers that the said case studies highlighted several negative impacts of the mining activities which are tantamount to breaches of the fundamental rights of members of the communities

affected by mineral extraction, which rights are guaranteed by the African Charter on Human and Peoples' Rights (hereinafter referred to as "the Charter").

4. The Applicant adds that it is in this context that a model mining law for Africa was drafted, titled "Model Law on Mining on Community Land in Africa", which African NGOs intend to present to Member States of the African Union for the purposes of harmonising their mining laws and enhancing the protection of the fundamental rights of the communities affected by extractive industries.

5. The prayer of the Applicant is for the Court to rule that the Draft Model Law on Mining on Community Land in Africa (Draft Model Mining Law for Africa) is consistent with the provisions of the Charter.

III. Procedure before the Court

6. The Request dated 10 May 2016, was received at the Registry of the Court on 8 July 2016.

7. By a letter dated 12 August 2016, the Registrar requested the African Commission on Human and Peoples' Rights (hereinafter referred to as "the Commission") to indicate whether the Applicant has Observer Status before the Commission and whether the subject matter of the Request concerned any matter pending before it.

8. By an email dated 16 September 2016, the Commission advised that the Applicant does not have Observer Status before the Commission but did not respond to the issue whether the subject matter of the Request concerned a matter pending before it.

9. By a letter dated 8 December 2016, during the 43rd Ordinary Session of the Court held from 31 October to 18 November 2016, the Registry, on the Court's instructions, requested the Applicant to produce a number of documents for purposes of clarification of their request.

10. By an email dated 7 March 2017, the Applicant submitted a series of documents attesting to its participation in the study process leading to the development of the Draft Model Mining Law for Africa.

IV. Jurisdiction of the Court

11. In accordance with Rule 72 of the Rules, "the Court shall apply, *mutatis mutandis* the provisions of Part IV of these Rules to the extent that it deems them to be appropriate and acceptable".

12. In terms of Rule 39(1) of the Rules, "the Court shall conduct preliminary examination of its jurisdiction…"

13. From the provisions of the Rules, the Court must determine whether it has jurisdiction to examine the Request before it.

14. In determining whether it has personal jurisdiction in the instant matter, the Court must satisfy itself that the Applicants are amongst the entities entitled to institute a request for advisory opinion under Article 4(1) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (hereinafter referred to as "the Protocol").

A. Applicant's arguments

15. The Applicant bases its request on Article 4 of the Protocol.
16. The Applicant submits that it is registered in the Democratic Republic of Congo and has legal personality in terms of Ministerial Edict No. 370/CAB/MIN/JDH/2010 of 7 August 2010. The Applicant states that, being based in the Democratic Republic of the Congo and having Observer Status before the Commission confers on it the status of an African organization.
17. On the merits, the Applicant makes reference to a number of international legal instruments in its document on implementation of the Draft Model Mining Law for Africa.[1] These include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights.
18. The Applicant also draws from the Draft Model Mining Law for Africa[2] prepared by the International Alliance on Natural Resources in Africa (IARNA). The Applicants state that the aforesaid draft model law is not just about the Democratic Republic of Congo; it also concerns African communities in other countries such as Angola, Kenya, South Africa and Zimbabwe, which countries also participated in the studies leading to the development of the draft model law, whose consistency with the Charter, the Court is being requested to advise on.
19. In the Draft Model Mining Law for Africa implementation document, the Applicant highlights the impact associated with Ruashi Mining's[3] activities in the synopsis of the information gathered during the raids carried out and affirmed that: "Ruashi Mining PLC did not provide employment for the population (inhabitants) of the Ruashi Commune, culminating among other things, in urban banditry, increased

1 Document developed exclusively for the Applicant with financial support from the European Union.

2 This refers to the draft law which the Court is requested to determine consistency thereof with the Charter.

3 Ruashi Mining is a mining company based in the Democratic Republic of Congo on which the investigation was conducted. Vide page 18 of the Draft Model Law for Mining in Africa implementation document.

poverty of the population of the Commune, insecurity, upsurge in robberies, prostitution and children dropping out by abandoning school consequent upon the very high cost of studies for the greatest number of the population".

20. The Applicant also submits that relocation of the population was effected "without the company Ruashi Mining consulting, the specialised services of the municipal administration, so as to be compliant with the requisite procedures".

21. It further submits that the investigation into the Ruashi Mining Company highlighted the existence of negative impacts of the mining activities, which is tantamount to breaches of the fundamental rights guaranteed by the Charter, such as the right to life, health, safety, a healthy environment, physical integrity, the right to justice, the right to work and that, consequently, there is a nexus between the negative impacts of mining activity and the human rights protected by the Charter.

22. The Applicant contends that its Observer Status before the Commission confers on it the status of an African organisation entitled to seek an Advisory Opinion on any matter within the field of application of the Charter.

B. Position of the Court

23. In terms of Article 4(1) of the Protocol, "At the request of a Member State of the African Union (AU), any of its organs, or any African organization recognized by the AU, the Court may provide an opinion on any legal matter relating to the Charter or any other relevant human rights instruments ... ".

24. The fact that the Applicant does not belong to the first three categories within the meaning of Article 4(1) of the Protocol is not in contention.

25. The first question which arises is whether the Applicant falls under the fourth category, that is, whether it is an "African organization" within the meaning of Article 4(1) of the Protocol.

26. On this issue, the Court has in its Advisory Opinion in Socio-Economic Rights and Accountability Project (SERAP), established that the term "organisation" used in Article 4(1) of the Protocol covers both non-governmental and intergovernmental organisations.[4]

27. As regards the appellation "African", the Court has established that an organisation may be considered as "African" if it is registered

4 Request for Advisory Opinion by *Socio-Economic Rights and Accountability Project* (SERAP), No. 001/2013, Advisory Opinion of 26 May 2017, para 46.

in an African country and has branches at the sub-regional, regional or continental levels, and if it carries out activities beyond the country where it is registered.[5]

28. The Court notes that the Applicant is registered in the Democratic Republic of Congo where it undertakes its activities at the sub-regional and continental levels. Articles 28, 30, 31, 39 of the Statutes which establish ASADHO define the organisation's objectives as: Article 28 "voluntarily assist and represent victims of violations, prisoners of conscience and conscientious objectors ...", Article 30 "work through the press to promote and disseminate human rights and denounce violations thereof" and Article 31 "representative offices are branches of the Association based outside the country ..."

29. 29 From the foregoing, it is apparent that the Applicant operates not only in the Democratic Republic of Congo, but also in the Central Africa region and in a significant part of the African continent. Proof thereof is that the studies leading to the adoption of the draft mining law are the inputs of several African States, which in any case are also members of the AU.

30. The Court therefore concludes that the Applicant is an African organisation within the meaning of Article 4 of the Protocol.

31. The second question which follows is whether the Applicant is recognised by the African Union.

32. The Court notes that the Applicant relies on its Observer Status before the Commission to contend that it is recognised by the African Union.

33. In this respect, the Court has, in the afore-mentioned SERAP Advisory Opinion indicated that Observer Status before any African Union Organ does not amount to recognition by the Union. It has thus established that only African NGOs recognised by the African Union itself are covered by Article 4(1) of the Protocol.[6]

34. The Court has further established that recognition of NGOs by the African Union is through the granting of Observer Status or the signing of a Memorandum of Understanding and Cooperation between the African Union and the NGOs concerned.[7]

35. In the instant case, the Applicant has not claimed and has not provided proof as to their Observer Status before the African Union or that it has signed any Memorandum of Understanding with the Union.

36. From the foregoing, the Court finds that although the Applicant is an African organization within the meaning of Article 4(1) of the Protocol,

5 *Idem*, para 48.

6 *Idem*, para 53 .

7 *Idem*, para 65.

it lacks the second essential condition required under this provision as a basis for the Court's jurisdiction, namely to be "recognised by the African Union".

37. For the above reasons,

The Court,

Unanimously,

i. *Finds* that it is not able to give the Advisory Opinion which was requested of it.

Separate Opinion: BEN ACHOUR

1. The four opinions rendered on 28 September 2017, reproduce *in extenso* the grounds adduced in the SERAP Opinion of 26 May 2017. That individual opinion merely affirms the opinion we had expressed in the SERAP Opinion.

2. The Court once again finds itself unable to address the four requests for Advisory Opinion and is constrained to not respond to the legal issues of utmost significance raised by the NGOs[1] in regard to the interpretation of the African Charter on Human and Peoples' Rights (hereinafter referred to as "the Charter") and the Protocol to the Charter establishing the African Court on Human and Peoples' Rights (hereinafter referred to as "the Protocol"), or other relevant human rights instruments in Africa such as the African Charter on Democracy, Elections and Governance or the Protocol to the Charter on the Rights of Women in Africa (the Maputo Protocol).

3. I am by an large in agreement with the reasoning and justifications developed by the Court on the four Opinions in its ruling that "recognition of NGOs by the African Union is subject to the granting of Observer Status or the signing of a Protocol or Cooperation Agreement between the African Union and the NGOs concerned" (paragraph 54 of the

1 The NGOs concerned are:

- Centre for Human Rights of the University of Pretoria (CHR) & the Coalition of African Lesbians;
- African Association for the Defence of Human Rights (ASADHO);
- Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO);
- The Centre of Human Rights, University of Pretoria; Federation of Women Lawyers in Kenya; Women Advocates Research and Documentation Centre and Zimbabwe Women Lawyers Association.

Opinion on the Centre and the Coalition).

4. The Court had no choice and could not have done otherwise. Its hands were "tied" by the explicit terms of Article 4(1) of its Protocol[2] and by the restrictive practice of the Union in matters of granting observer status to NGOs.

5. In the four Opinions rendered on 28 September 2017 at the request of several NGOs, all having observer status before the African Commission on Human and Peoples' Rights, the Court came up against the concept of "African organisation recognized by the African Union", as used in Article 4(1) of the Protocol.

6. It is noteworthy that Article 4(1) of the Protocol on institutions entitled to seek the Court's Advisory Opinion is paradoxically more restrictive than Article 5(3) of the Protocol on NGOs entitled to refer cases to the Court. Whereas Article 4(1) provides that "At the request [...] of any African organization recognized by the OAU, the Court may provide an opinion on any legal matter relating to the Charter or any other relevant human rights instrument", Article 5(3) of the Protocol states that "the Court may entitle relevant non-governmental organizations (NGOs) with observer status to institute cases directly before it, in accordance with Article 34(6) of this Protocol".

7. Review of this article shows that, in the case of NGOs, referrals in contentious matters are less restrictive than in matters of Advisory Opinion because in seizing the Court on contentious matters, the NGO merely needs to have an observer status with the Commission[3], whereas it needs to be *recognised* by the AU to seek the Court's advisory opinion.

8. The novelty in the four Opinions rendered on 28 September 2017, lies in the formulation of the operative provisions. Instead of stating, as it did in the SERAP Opinion, that the Court "declares that it has no personal jurisdiction to issue the Opinion sought", the Court, on the four Opinions of 28 September 2017, states "that it cannot issue the Advisory Opinion requested of it", thus adopting the position of the International Court of Justice (ICJ) Advisory Opinion of 8 July 1996 on the *Legality of the threats of use of nuclear weapons,* which Opinion we had advocated in the case of SERAP.

9. In conclusion, we wish to reiterate our hope that the African

2 "At the request of a Member State of the OAU, the OAU, any of its organs or any African organization recognized by the OAU, the Court may provide an Opinion on any legal matter relating to the Charter or any other relevant human rights instrument, provided that the subject matter of the Opinion is not related to a matter being examined by the Commission".

3 Clearly on condition that the State has subscribed to the jurisdiction clause set forth in Article 34 (6) of the Protocol.

Union will amend Article 4(1) of the Protocol with a view to opening up possibilities for referrals to African Court and relaxing the conditions required of NGOS to bring their request for Advisory Opinion within the ambit of the Court's jurisdiction; or, the way of amendment being uncertain, to broaden its criteria for granting observer status to include NGOs with similar status before the Banjul Commission.

Separate opinion: MATUSSE

1. The Court, unanimously, held that it did not have jurisdiction *ratione personae* to issue the Advisory Opinion requested by ASADHO, yet names the procedure by which it arrived at that conclusion an "Advisory Opinion", a view that I do not endorse. I, hereby, set my separate opinion on record on the following grounds:

I. The form of the Court's acts

2. The legal instruments governing the Court, namely, the Protocol[1] and the Rules of the Court are silent regarding the designation of each of the different forms that its acts may take. That notwithstanding, the practice that has become the norm is the use of the following terms: "Order", "Ruling", "Decision" and "Judgment".

3. When adopting the terms hereinabove, the Court has not been consistent in its practice in that it has used the same expression to designate different things at different times, as demonstrated herein below.

II. The practice of the Court

4. In the Requests for Advisory Opinion Nos. 002/2011,[2] 001/2012[3]

1 Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights.

2 Request for Advisory Opinion by Advocate Marcel Ceccaldi on behalf of the Great Socialist People's Libyan Jamahiriya, Judgement of 30 March 2012.

3 Request for Advisory Opinion by The Socio-Economic Rights & Accountability Project (SERAP), "Order" of 15 March 2013.

and 001/2014,[4] the Court used the expression "Order" to designate the act through which it struck out the request due to the fact that the applicants had either given up on them or had lost interest in pursuing the matter.

5. In the Request for Advisory Opinion No. 002/2012,[5] the Court used the expression "Order" to hold that it was not going to entertain the request due to the fact that the same was pending before the African Commission on Human and People's Rights (the Commission).

6. In the Request for Advisory Opinion No. 001/2015,[6] the Court used the expression "Order" to strike out the request for failure, on the part of the author, to specify the legal provision of the Charter or of any other human rights instrument in relation to which the Court's Opinion was sought, as provided for under Rule 68(2) of the Court's Rules.

7. In the Request for Advisory Opinion No. 002/2013,[7] the Court pronounced itself on the merits of the request by means of an "Advisory Opinion".

8. In other words, in instances where the Court did not get to the examination of the merits of the request and decided to strike it out due to either lack of interest on the part of the author or to failure to comply with the requirements laid down in Article 68, the Court has preferred the term "Order".

9. In contentious matters, the Court issued an "Order" to declare that it lacked jurisdiction to examine the matter,[8] to hold that it was to continue examining the matter,[9] to decide that it was going to merge the applications[10] and to strike the application due to lack of interest on

4 Request No 001/2014 - Coalition on the International Criminal Court Ltd/gte(ciccn),Legal Defence & Assistance Project Ltd/gte (LEDAP), Civil Resource Development & Documentation Center (Cirddoc) and Women Advocates Documentation Center Ltd/gte(WARDC), "Order" of 05 June 2015.

5 Request No 002/2012 - The Pan African Lawyers' Union (PALU) and Southern African Litigation Centre (SALC), "Order" of 15 March 2013.

6 Request No 001/2015 - Coalition on International Criminal Court LTD/GTE, "Order" of 29 November 2015.

7 Request No 002/2013 - The African Committee of Experts on the Rights and Welfare of the Child on the Standing of the African Committee of Experts on the Rights and Welfare of the Child before the African Court on Human and Peoples' Rights, "Order" of 05 December 2014.

8 App. No. 019/2015 – *Femi Falana v African Commission on Human and Peoples' Rights*, "Order" of 20 November 2015.

9 App. No. 016/2015 – *General Kayumba Nyamwasa And Others v Republic of Rwanda*, "Order" of 03 June 2016.

10 App. Nos. 009&011/2011 – *Tanganyika Law Society and Legal and Human Rights Centre and Reverend Christopher R. Mtikila v United Republic of Tanzania*, "Order" of 22 September 2011.

the part of the applicant to pursue the matter.[11]

10. Still in respect to contentious matters, the Court used a Judgment to declare that some applications were inadmissible,[12] and to declare that it lacked jurisdiction.[13] The expression "Order" is also used in most of the Orders for Provisional Measures that the Court has issued.[14]

11. The Court has extensively used the expression "Decision" to declare that it lacked jurisdiction in contentious matters.[15]

III. Analysis

12. In the instant case, the Court found that it lacks jurisdiction *ratione personae*, and yet it designated the act by which it arrived at that conclusion an "Advisory Opinion", which looks, at least, contradictory.

13. For me, the Court either has jurisdiction hence moves on to issue the Advisory Opinion, or it lacks jurisdiction, in which case it issues no Advisory Opinion.

14. My fellow judges might have been influenced by the fact that, in its Request, SERAP asks the Court to take a position with regard to its *locus standi* to seize the Court in terms of Article 4(1) of the Protocol. Meanwhile, this is an issue that would, in any case, be examined by

11 App. No. 002/2015 – *Collectif Des Anciens Travailleurs du Laboratoire (ALS) v Republic of Mali*, "Order" of 05 September 2016.

12 App. No. 003/2012 – *Peter Joseph Chacha v United Republic of Tanzania*, "Ruling" of 28 March 2014; App. No. 003/2011 – *Urban Mkandawire v Republic of Malawi*, "Judgment" of 21 June 2013.

13 App. No 001/2008: *Michelot Yogogombaye v Republic of Senegal*, "Judgment" of 15 December 2009; App: No. 001/2011 – *Femi Falana v African Union*, "Judgement" of 26 June 2012.

14 Namely: APP. No. 016/2015 – *General Kayumba Nyamwasa And Others v Republic of Rwanda*, "Order" of 24 March 2017. App. No. 004/2013 – *Lohe Issa Konate v Burkina Faso*, "Order" of 04 October 2013; App. No. 002/2013 – *The African Commission on Human and Peoples' Rights v Libya*, "Order" of 15 March 2013.

15 App. No. 002/2011 – *Soufiane Ababou v Peoples' Democratic Republic of Algeria,* "Decision" of 16 June 2011; App. No. 005/2011 – *Daniel Amare and Mulugeta Amare v Republic of Mozambique and Mozambique Airlines*, "Decision" of 16 June 2011; App. No. 006/2011 – *Association des Juristes d'Afrique pour la Bonne Gouvernance v Republic of Cote d' Ivoire*, "Decision" of 16 June 2011; App. No. 007/2011 – *Youssef Ababou v Kingdom of Morocco*, "Decision" of 02 September 2011; App. No. 008/2011 – *Ekollo M. Alexandre v Republic of Cameroon and Federal Republic of Nigeria*, "Decision" of 23 September 2011; App. No. 010/2011 – *Efoua Mbozo'o Samuel v Pan African Parliament*, "Decision" of 30 September 2011; App. No. 012/2011 – *Convention Nationale des Syndicats du Secteur Education (CONASYSED) v Republic of Gabon*, "Decision" of 15 December 2011; App. No. 002/2012 – *Delta International Investments S.A, Mr and Mrs A.G.L De Lange v Republic of South Africa,* «Decision» of 30 March 2013; App. No. 004/2012 – *Emmanuel Joseph Uko and Others v Republic of South Africa*, "Decision" of 30 Marche 2012; App. No. 005/2012 – *Amir Adam Timan v The Republic of Sudan*, "Decision" of 30 March 2012.

the Court, since, according to Article 39(1) of the Rules, applicable by virtue of Article 72 of the Rules, "[The] Court shall *conduct preliminary examination* of its jurisdiction and the admissibility of the application ..." (my emphasis), before it can adjudicate on any case brought before it.

15. In my view, Article 39(1) of the Rules requires the Court to conduct preliminary examination in order to ascertain its jurisdiction and the admissibility of the application, a proceeding that under no circumstance can be termed, *per se*, an "Advisory Opinion", even if, in instances where the Court has jurisdiction, the decision on jurisdiction and admissibility becomes part of the Advisory Opinion issued, as it was the case in the Request for Advisory Opinion No. 002/2013.

16. It is, therefore, my understanding that preliminary examination, as envisaged under Article 39(1) of the Rules, is clearly different from issuing an Advisory Opinion, even though, sometimes, may form part of the issued Advisory Opinion.

17. In other words, when the Court, as a result of the preliminary examination so conducted holds that it has no jurisdiction, by no means it can still term the act by which it arrives to that conclusion an Advisory Opinion.

18. In terms of comparative law, when the Inter-American Court of Human Rights (TIDH) decides not to issue an Advisory Opinion, it adopts a form of "Resolución"[16] in lieu of an "Opinión Consultiva" (*Advisory Opinion*). Even when issuing the "Opinión Consultiva", it makes a clear separation between the section pertaining to its jurisdiction (wherein it ascertains whether or not it has jurisdiction vis-à-vis the request for advisory opinion) from the section pertaining to the Advisory Opinion itself (wherein it gives its opinion on the issue it has been seized with, in the event it finds that it has jurisdiction to issue the Advisory Opinion).[17]

19. The Permanent Court of International Justice (PCIJ), in the Request for Advisory Opinion submitted by the Council of the League of Nations in the case of *Russia v Finland*, implicitly[18] used the expression

16 Resolución de la corte interamericana de derechos humanos de 23 de junio de 2016, solicitud de opinión consultiva presentada por el secretario general de la organización de los estados americanos; resolución de la corte interamericana de derechos humanos de 27 de enero de 2009, solicitud de opinión consultiva presentada por la comisión interamericana de derechos humanos.

17 Advisory Opinion Oc-21/14 of August 19, 2014 Requested by The Argentine Republic, The Federative Republic Of Brazil, The Republic Of Paraguay And The Oriental Republic Of Uruguay; Advisory Opinion Oc-20/09 Of September 29, 2009 Requested By The Republic Of Argentina.

18 Why not termed formally as such. Only at the end of the provision is "(...) Present Avis ... (…)" mentioned.

"Advisory Opinion",[19] when it found that it could issue the Advisory Opinion due to Russia's *ad hoc* refusal to accept its jurisdiction. However, this precedent is an incongruous and isolated dating back a century, and it cannot inform the instant case. In actual fact, this precedent has never informed any of the approaches adopted by the Court in its previous decisions on Requests for Advisory Opinion.

IV. My position

20. I am of the opinion that, for the reasons expounded above, the Court should use the term "Decision" to name the act by which it conducts preliminary examination of its jurisdiction and the admissibility of request for Advisory Opinion, in light of Article 39 of the Rules of the Court. Indeed, the recurring practice of using the term "Decision" when it declares its lack of jurisdiction to adjudicate on contentious matters, is perfectly applicable in matters for advisory opinion. This is because Article 72 of the Rules requires that the Court applies *mutatis mutandis* the procedure for contentious matters to procedure relating advisory opinions.

21. The use of the term "Decision" would avoid giving the wrong impression that the Court issues an Advisory Opinion, even when it has issued none. On the other hand, this Court would benefit by remaining consistent in using appropriate terms for its acts, and this would ensure that it is in line with its well-established jurisprudence wherein it uses the term "Decision" when it determines jurisdiction on contentious matters.

19 Decision of the Third Ordinary Session of 23 July 1923, Dossier F. v V Rôle III. 3, available at http://www.icj-cij.org/pcij/serie_B/B_05/Statut_de_la_Carelie_orientale_Avis_consultatif.pdf , accessed 24.05.2017.