

N° 170.

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**UNION SUD-AFRICAINE,  
ALBANIE, COMMONWEALTH  
D'AUSTRALIE,  
AUTRICHE, BELGIQUE, etc.**

Protocole de signature concernant le  
Statut de la Cour permanente  
de Justice internationale visé par  
l'article 14 du Pacte de la Société  
des Nations. Genève, le 16 décem-  
bre 1920.

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**UNION OF SOUTH AFRICA,  
ALBANIA, COMMONWEALTH  
OF AUSTRALIA,  
AUSTRIA, BELGIUM, etc.**

Protocol of Signature relating to  
the Statute of the Permanent Court  
of International Justice provided  
for by Article 14 of the Covenant  
of the League of Nations. Geneva,  
December 16, 1920.

No. 170. — PROTOCOLE DE SIGNATURE CONCERNANT LE STATUT DE LA COUR PERMANENTE DE JUSTICE INTERNATIONALE VISÉ PAR L'ARTICLE 14 DU PACTE DE LA SOCIÉTÉ DES NATIONS<sup>1</sup>. GENÈVE, LE 16 DÉCEMBRE 1920.

No. 170. — PROTOCOL OF SIGNATURE RELATING TO THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE PROVIDED FOR BY ARTICLE 14 OF THE COVENANT OF THE LEAGUE OF NATIONS<sup>1</sup>. GENEVA, DECEMBER 16, 1920.

*Textes officiels anglais et français. L'enregistrement de ce Protocole a eu lieu le 8 octobre 1921.*

*English and French official texts. The registration of this Protocol took place October 8, 1921.*

#### PROTOCOLE DE SIGNATURE.

Les Membres de la Société des Nations, représentés par les soussignés dûment autorisés, déclarent reconnaître le statut ci-joint de la Cour permanente de Justice internationale de la Société des Nations, approuvé par le vote unanime de l'Assemblée de la Société, en date, à Genève, du 13 décembre 1920.

En conséquence, ils déclarent accepter la juridiction de la Cour dans les termes et conditions prévus dans le statut ci-dessus visé.

Le présent Protocole, dressé conformément à la décision de l'Assemblée de la Société des Nations du 13 décembre 1920, sera ratifié. Chaque Puissance adressera sa ratification au Secrétariat général de la Société des Nations, par les soins duquel il en sera donné avis à toutes les autres Puissances signataires. Les ratifications resteront déposées dans les archives du Secrétariat de la Société des Nations.

Le présent Protocole restera ouvert à la signature des Etats visés à l'Annexe du Pacte de la Société.

#### PROTOCOL OF SIGNATURE.

The Members of the League of Nations, through the undersigned, duly authorised, declare their acceptance of the adjoined Statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the Assembly of the League on the 13th December, 1920, at Geneva.

Consequently, they hereby declare that they accept the jurisdiction of the Court in accordance with the terms and subject to the conditions of the above-mentioned Statute.

The present Protocol, which has been drawn up in accordance with the decision taken by the Assembly of the League of Nations on the 13th December, 1920, is subject to ratification. Each Power shall send its ratification to the Secretary-General of the League of Nations; the latter shall take the necessary steps to notify such ratification to the other signatory Powers. The ratification shall be deposited in the archives of the Secretariat of the League of Nations.

The said Protocol shall remain open for signature by the Members of the League of Nations and by the States mentioned in the Annex to the Covenant of the League.

<sup>1</sup> Pour les ratifications, voir pages 410 à 413.

<sup>1</sup> For the ratifications see pages 410 to 413.

Le statut de la Cour entrera en vigueur ainsi qu'il est prévu par ladite décision.

The Statute of the Court shall come into force as provided in the above-mentioned decision.

Fait à Genève, en un seul exemplaire, dont les textes français et anglais feront foi.

Executed at Geneva, in a single copy, the French and English texts of which shall both be authentic.

Le 16 décembre 1920.

December 16, 1920.

Pour l'Union Sud-Africaine <sup>1</sup> — For the Union of South Africa <sup>1</sup>  
Signed subject to the approval of the Government of the Union of South Africa.

R. A. BLANKENBERG

Pour l'Albanie — For Albania

FAN S. NOLI

Pour l'Australie — For Australia

W. M. HUGHES

Pour l'Autriche — For Austria

EMMERICH PFLÜGL

Pour la Belgique — For Belgium

FERNAND PELTZER

Pour la Bolivie — For Bolivia

F. A. ARAMAYO

Pour le Brésil — For Brazil

RODRIGO OCTAVIO

GASTAO DA CUNHA

RAUL FERNANDES

Pour la Bulgarie — For Bulgaria

POMENOV

Pour le Canada — For Canada

PHILIPPE ROY

Pour le Chili — For Chile

AGUSTIN EDWARDS

MANUEL RIVAS VICUÑA

Pour la Chine — For China

V. K. WELLINGTON KOO

TS. F. TANG

Pour la Colombie — For Colombia

FRANCISCO JOSÉ URRUTIA

A. J. RESTREPO

<sup>1</sup> Signé sous réserve de l'approbation du Gouvernement de l'Union Sud-Africaine.

Pour Costa-Rica. — For Costa Rica  
MANUEL M. DE PERALTA

Pour Cuba — For Cuba  
ARISTIDES DE AGÜERO  
RAFAEL MARTINEZ ORTIZ  
EZEQUIEL GARCIA

Pour le Danemark — For Denmark  
HERLUF ZAHLE

Pour l'Espagne — For Spain  
EMILIO DE PALACIOS

Pour l'Esthonie — For Esthonia  
ANT. PIIP

Pour la Finlande — For Finland  
ENCKELL

Pour la France — For France  
LÉON BOURGEOIS

Pour l'Empire Britannique — For the British Empire  
ARTHUR JAMES BALFOUR

Pour la Grèce — For Greece  
POLITIS

Pour Haïti — For Haiti  
DANTES BELLEGARDE

Pour l'Inde — For India  
W. S. MEYER

Pour l'Italie — For Italy  
CARLO SCHANZER

Pour le Japon — For Japan  
HAYASHI

Pour la Lettonie — For Latvia  
M. WALTERS

Pour Libéria — For Liberia  
LEHMAN

Pour la Lituanie — For Lithuania  
GALVANAUSKAS

Pour le Luxembourg — For Luxemburg

LEFORT

Pour la Nouvelle-Zélande — For New Zealand

J. ALLEN

Pour la Norvège — For Norway

F. HAGERUP

Pour le Panama — For Panama

HARMODIO ARIAS

Pour le Paraguay — For Paraguay

H. VELASQUEZ

Pour les Pays-Bas — For the Netherlands

J. LOUDON

Pour la Perse — For Persia

Emir SAHAMEDINE KHAN GAFFARY ZOKA-ED-DOWLEH

Pour la Pologne — For Poland

I. J. PADEREWSKI

Pour le Portugal — For Portugal

AFFONSO COSTA

Pour la Roumanie — For Roumania

E. MARGARITESCO GRECIANO

Pour le Salvador — For Salvador

J. GUSTAVO GUERRERO

ARTURO R. AVILA

Pour l'Etat Serbe-croate-slovène — For the Serb-Croat-Slovene State

M. YOVANOVITCH

Pour le Siam — For Siam

CHAROON

Pour la Suède — For Sweden

Hj. BRANTING

Pour la Suisse — For Switzerland

MOTTA

Pour la Tchécoslovaquie — For Czechoslovakia

Dr. CYRILL DUSĚK

Pour l'Uruguay — For Uruguay

J. C. BLANCO

B. FERNANDEZ Y MEDINA

Pour le Venezuela — For Venezuela

MANUEL DIAZ-RODRIGUEZ

SANTIAGO KEY-AYALA

DIÓGENES ESCALANTE

#### DISPOSITION FACULTATIVE.

Les soussignés, dûment autorisés, déclarent en outre, au nom de leur gouvernement, reconnaître dès à présent comme obligatoire, de plein droit et sans convention spéciale, la juridiction de la Cour conformément à l'article 36, § 2 du statut de la Cour et dans les termes suivants :

(PORTUGAL.)

Au nom du Portugal, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre ou Etat acceptant la même obligation, la juridiction de la Cour, purement et simplement.

(Signé) AFFONSO COSTA.

(SUISSE.)

Au nom du Gouvernement suisse et sous réserve de ratification par l'Assemblée fédérale, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre ou Etat acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour, purement et simplement, pour la durée de cinq années.

(Signé) MOTTA.

(DANEMARK.)

Au nom du Gouvernement danois et sous réserve de ratification, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre ou Etat acceptant la même obligation, c'est-

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

#### OPTIONAL CLAUSE.

The undersigned, being duly authorised thereto, further declare, on behalf of their Government, that, from this date, they accept as compulsory, *ipso facto* and without special Convention, the jurisdiction of the Court in conformity with Article 36, § 2, of the Statute of the Court, under the following conditions :

(PORTUGAL.)

<sup>1</sup> On behalf of Portugal, I recognise, in relation to any Member or State accepting the same obligation, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

(Signed) AFFONSO COSTA.

(SWITZERLAND.)

<sup>1</sup> On behalf of the Swiss Government and subject to ratification by the Federal Assembly, I recognise, in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention, for a period of five years.

(Signed) MOTTA.

(DENMARK.)

<sup>1</sup> On behalf of the Danish Government and subject to ratification, I recognise, in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as

<sup>1</sup> Translated by the Secretariat of the League of Nations.

à-dire sous condition de réciprocité, la juridiction de la Cour, purement et simplement pour la durée de cinq années.

(Signé) HERLUF ZAHLE.

(SALVADOR)

Sous réserve de réciprocité :

(Signé) J. GUSTAVO GUERRERO.  
ARTURO R. AVILA.

(COSTA RICA)

Sous réserve de réciprocité :

(Signé) MANUEL M. DE PERALTA.

(URUGUAY)

Au nom du Gouvernement de l'Uruguay, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre de la Société ou Etat acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour, purement et simplement.

(Signé) B. FERNANDEZ Y MEDINA.

(LUXEMBOURG)

Au nom du Gouvernement luxembourgeois et sous réserve de ratification, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre ou Etat acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour, purement et simplement, pour une durée de cinq années.

(Signé) LEFORT.

(FINLANDE)

Au nom du Gouvernement de la République de Finlande et sous réserve de ratification, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre ou Etat acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour, purement et simplement, pour une durée de cinq années.

(Signé) ENCKELL.

(PAYS-BAS)

La déclaration suivante a été faite par le Chargé d'Affaires des Pays-Bas au moment du dépôt de l'instrument de ratification et se trouve ainsi dans le procès-verbal de dépôt du dit instrument :

compulsory, *ipso facto* and without special convention, for a period of five years.

(Signed) HERLUF ZAHLE.

(SALVADOR)

<sup>1</sup> On condition of reciprocity.

(Signed) J. GUSTAVO GUERRERO,  
ARTURO R. AVILA.

(COSTA RICA)

<sup>1</sup> On condition of reciprocity.

(Signed) MANUEL M. DE PERALTA.

(URUGUAY)

<sup>1</sup> On behalf of the Government of Uruguay, I recognise, in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

(Signed) B. FERNANDEZ Y MEDINA.

(LUXEMBURG)

<sup>1</sup> On behalf of the Government of Luxembourg and subject to ratification, I recognise, in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention, for a period of five years.

(Signed) LEFORT.

(FINLAND)

<sup>1</sup> On behalf of the Government of the Republic of Finland, and subject to ratification, I recognise, in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention, for a period of five years.

(Signed) ENCKELL.

(NETHERLANDS)

The following declaration was made by the Netherlands Chargé d'Affaires at the moment of the deposit of the deed of ratification and is contained in the Procès-Verbal of Deposit of the deed :

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

« Au nom du Gouvernement néerlandais, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre ou Etat acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour conformément à l'article 36, § 2 du statut de la Cour, pour la durée de cinq années, sur tout différend futur à propos duquel les parties ne sont pas convenues d'avoir recours à un autre mode de règlement pacifique. »

(Signé) MOSSELMANS.

*Chargé d'Affaires a. i. des Pays-Bas.*

Pour copie conforme :

D. ANZILOTTI.

(LIBÉRIA)

Au nom du Gouvernement de la République de Libéria et sous réserve de ratification par le Sénat libérien, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre ou Etat acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour, purement et simplement.

(Signé) B. LEHMAN.

(BULGARIE)

Au nom du Gouvernement du Royaume de Bulgarie, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre ou Etat acceptant la même obligation, la juridiction de la Cour permanente de Justice internationale, purement et simplement.

(Signé) POMENOV.

(SUÈDE)

Au nom du Gouvernement royal suédois, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre ou Etat acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour pour une durée de cinq années.

GENÈVE, le 16 août 1921.

(Signé) P. DE ADLERCREUTZ.

“ On behalf of the Government of the Netherlands, I recognise, in relation to any other Member or State which accepts the same obligation, that is to say, on the condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention, in conformity with Article 36, § 2, of the Statute of the Court, for a period of five years, in respect of any future dispute in regard to which the parties have not agreed to have recourse to some other means of friendly settlement. ”

(Signed) MOSSELMANS,

*Chargé d'Affaires a. i. des Pays-Bas.*

(LIBERIA)

<sup>1</sup> On behalf of the Government of the Republic of Liberia, and subject to ratification by the Liberian Senate, I recognise, in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention.

(Signed) B. LEHMAN.

(BULGARIA)

<sup>1</sup> On behalf of the Government of the Kingdom of Bulgaria, I recognise, in relation to any other Member or State which accepts the same obligation, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention, unconditionally.

(Signed) POMENOV.

(SWEDEN)

<sup>1</sup> On behalf of the Government of His Majesty the King of Sweden, I recognise, in relation to any other Member or State which accepts the same obligation, that is to say, on the condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention, for a period of five years.

GENEVA, August 16, 1921.

(Signed) P. DE ADLERCREUTZ.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.



(NORVÈGE)

Au nom du Gouvernement norvégien et sous réserve de ratification, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre ou Etat acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour, purement et simplement, pour la durée de cinq années.

6 septembre 1921.

(Signé) FRIDTJOF NANSEN.

(NORWAY)

<sup>1</sup> On behalf of the Government of His Majesty the King of Norway, and subject to ratification, I recognise, in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto*, and without any special convention, for a period of five years.

September 6, 1921.

(Signed) FRIDTJOF NANSEN.

(HAÏTI)

Au nom de la République d'Haïti, je déclare reconnaître la compétence obligatoire de la Cour permanente de Justice internationale.

(Signé) F. ADDOR.

Consul.

(HAITI)

<sup>1</sup> On behalf of the Republic of Haiti, I recognise the jurisdiction of the Permanent Court of International Justice as compulsory.

(Signed) F. ADDOR,

Consul.

(LITUANIE)

Pour la durée de cinq ans.

5 octobre 1921.

(Signé) GALVANAUSKAS.

(LITHUANIA)

For a period of five years.

October 5, 1921.

(Signed) GALVANAUSKAS.

(PANAMA)

La déclaration suivante a été transmise par M. R. A. Amador, Chargé d'Affaires de la République de Panama à Paris, dans une lettre datée du 25 octobre 1921 et adressée à sir Eric Drummond, Secrétaire général de la Société des Nations :

« Au nom du Gouvernement de Panama, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre ou Etat acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour, purement et simplement. »

(Signé) R. A. AMADOR.

Chargé d'Affaires.

(PANAMA)

The following declaration was transmitted by M. R. A. Amador, Chargé d'Affaires of the Republic of Panama at Paris, in a letter dated October 25, 1921 addressed to Sir Eric Drummond, Secretary-General of the League of Nations :

<sup>1</sup> On behalf of the Government of Panama, I recognise, in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention.

(Signed) R. A. AMADOR,

Chargé d'Affaires.

Pour copie conforme :

D. ANZILOTTI.

(BRÉSIL)

L'instrument de ratification, déposé auprès du Secrétariat permanent de la Société des

(BRAZIL)

The instrument of ratification deposited with the Permanent Secretariat of the League of

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

Nations par le Gouvernement du Brésil, contient le passage suivant :

« ...declarando aceitar, de accordo com a mesma resolução do Poder Legislativo Nacional, a jurisdição obrigatoria da referida Côte, pelo prazo de cinco annos, sob condição de reciprocidade e desde que tambem a accitem, pelo menos, duas das Potencias com assento permanente no Conselho Executivo da Liga das Nações. »

Pour copie conforme :

D. ANZILOTTI.

« ...<sup>1</sup> et déclarons accepter, en vertu de la même résolution du Pouvoir Législatif du Brésil, la juridiction obligatoire de ladite Cour, pour une période de cinq années, sous condition de réciprocité et dès que cette juridiction sera aussi acceptée par deux au moins des Puissances représentées d'une manière permanente au Conseil de la Société des Nations. »

(AUTRICHE)

Au nom de la République d'Autriche, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre ou Etat acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour permanente, purement et simplement, pour la durée de cinq années.

14 mars 1922.

(Signé) EMMERICH PFLÜGL.

(CHINE)

Le Gouvernement Chinois reconnaît comme obligatoire de plein droit et sans convention spéciale, vis-à-vis de tout autre Membre ou Etat acceptant la même obligation, c'est-à-dire à condition de réciprocité, la juridiction de la Cour, conformément à l'article 36, § 2, du Statut de la Cour pour la durée de cinq années.

Le 13 mai 1922.

(Signé) Ts. F. Tang.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

Nations by the Brazilian Government contains the following passage :

" ...<sup>1</sup> we declare to recognise as compulsory, in accordance with the said resolution of the National Legislature, the jurisdiction of the said Court for the period of five years, on condition of reciprocity and as soon as it has likewise been recognised as such by two at least of the Powers permanently represented on the Council of the League of Nations. "

(AUSTRIA)

<sup>1</sup> On behalf of the Austrian Republic, I declare that the latter recognises, in relation to any other Member or State which accepts the same obligation, that is to say, on the condition of reciprocity, the jurisdiction of the Permanent Court as compulsory, *ipso facto* and without any special convention, for a period of five years.

March 14, 1922.

(Signed) EMMERICH PFLÜGL.

(CHINA)

<sup>1</sup> The Chinese Government recognize as compulsory *ipso facto* and without special convention, in relation to any Member or State which accepts the same obligation, that is to say on the sole condition of reciprocity, the jurisdiction of the Court in conformity with article 36, § 2, of the Statute of the Court for a period of five years.

May 13, 1922.

(Signed) Ts. F. Tang.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

STATUTE  
FOR  
THE PERMANENT COURT OF INTERNATIONAL JUSTICE  
PROVIDED FOR BY  
ARTICLE 14 OF THE COVENANT OF THE LEAGUE OF NATIONS.

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*Article 1.*

A Permanent Court of International Justice is hereby established, in accordance with Article 14 of the Covenant of the League of Nations. This Court shall be in addition to the Court of Arbitration organised by the Conventions of The Hague of 1899 and 1907, and to the special Tribunals of Arbitration to which States are always at liberty to submit their disputes for settlement.

CHAPTER I.

ORGANISATION OF THE COURT.

*Article 2.*

The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from amongst persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognised competence in international law.

*Article 3.*

The Court shall consist of fifteen members : eleven judges and four deputy-judges. The number of judges and deputy-judges may hereafter be increased by the Assembly, upon the proposal of the Council of the League of Nations, to a total of fifteen judges and six deputy-judges.

*Article 4.*

The members of the Court shall be elected by the Assembly and by the Council from a list of persons nominated by the national groups in the Court of Arbitration, in accordance with the following provisions.

In the case of Members of the League of Nations not represented in the Permanent Court of Arbitration, the lists of candidates shall be drawn up by national groups appointed for this purpose by their Governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

*Article 5.*

At least three months before the date of the election, the Secretary-General of the League of Nations shall address a written request to the members of the Court of Arbitration belonging to the States mentioned in the Annex to the Covenant or to the States which join the League subsequently, and to the persons appointed under § 2 of Article 4, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case must the number of candidates nominated be more than double the number of seats to be filled.

*Article 6.*

Before making these nominations, each national group is recommended to consult its Highest Court of Justice, its Legal Faculties and Schools of Law, and its National Academies and national sections of International Academies devoted to the study of Law.

*Article 7.*

The Secretary-General of the League of Nations shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, § 2, these shall be the only persons eligible for appointment.

The Secretary-General shall submit this list to the Assembly and to the Council.

*Article 8.*

The Assembly and the Council shall proceed independently of one another to elect, firstly the judges, then the deputy-judges.

*Article 9.*

At every election, the electors shall bear in mind that not only should all the persons appointed as members of the Court possess the qualifications required, but the whole body also should represent the main forms of civilisation and the principal legal systems of the world.

*Article 10.*

Those candidates who obtain an absolute majority of votes in the Assembly and in the Council shall be considered as elected.

In the event of more than one national of the same Member of the League being elected by the votes of both the Assembly and the Council, the eldest of these only shall be considered as elected.

*Article 11.*

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

*Article 12.*

If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the Assembly and three by the Council, may be formed, at any time, at the request of either the Assembly or the Council, for the purpose of choosing one name for each seat still vacant, to submit to the Assembly and the Council for their respective acceptance.

If the Conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Articles 4 and 5.

If the joint Conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been appointed shall, within a period to be fixed by the Council, proceed to fill the vacant seats by selection from amongst those candidates who have obtained votes either in the Assembly or in the Council.

In the event of an equality of votes amongst the judges, the eldest judge shall have a casting vote.

*Article 13.*

The members of the Court shall be elected for nine years.

They may be re-elected.

They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

*Article 14.*

Vacancies which may occur shall be filled by the same method as that laid down for the first election. A member of the Court elected to replace a member whose period of appointment had not expired will hold the appointment for the remainder of his predecessor's term.

*Article 15.*

Deputy-judges shall be called upon to sit in the order laid down in a list.

This list shall be prepared by the Court and shall have regard firstly to priority of election and secondly to age.

*Article 16.*

The ordinary members of the Court may not exercise any political or administrative function. This provision does not apply to the deputy-judges, except when performing their duties on the Court.

Any doubt on this point is settled by the decision of the Court.

*Article 17.*

No member of the Court can act as agent, counsel or advocate in any case of an international nature. This provision only applies to the deputy-judges as regards cases in which they are called upon to exercise their functions on the Court.

No member may participate in the decision of any case in which he has previously taken an active part, as agent, counsel or advocate for one of the contesting parties, or as a member of a national or international Court, or of a commission of enquiry, or in any other capacity.

Any doubt on this point is settled by the decision of the Court.

*Article 18.*

A member of the Court cannot be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

Formal notification thereof shall be made to the Secretary-General of the League of Nations, by the Registrar.

This notification makes the place vacant.

*Article 19.*

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

*Article 20.*

Every member of the Court shall, before taking up his duties, make a solemn declaration in open Court that he will exercise his powers impartially and conscientiously.

*Article 21.*

The Court shall elect its President and Vice-President for three years ; they may be re-elected. It shall appoint its Registrar.

The duties of Registrar of the Court shall not be deemed incompatible with those of Secretary-General of the Permanent Court of Arbitration.

*Article 22.*

The seat of the Court shall be established at The Hague.  
The President and Registrar shall reside at the seat of the Court.

*Article 23.*

A session of the Court shall be held every year.

Unless otherwise provided by rules of Court, this session shall begin on the 15th of June, and shall continue for so long as may be deemed necessary to finish the cases on the list.

The President may summon an extraordinary session of the Court whenever necessary.

*Article 24.*

If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

If the President considers that for some special reason one of the members of the Court should not sit on a particular case, he shall give him notice accordingly.

If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

*Article 25.*

The full Court shall sit except when it is expressly provided otherwise.

If eleven judges cannot be present, the number shall be made up by calling on deputy-judges to sit.

If however, eleven judges are not available, a quorum of nine judges shall suffice to constitute the Court.

*Article 26.*

Labour cases, particularly cases referred to in Part XIII (Labour) of the Treaty of Versailles and the corresponding portions of the other Treaties of Peace, shall be heard and determined by the Court under the following conditions :

The Court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand, the Court will sit with the number of judges provided for in Article 25. On all occasions the judges will be assisted by four technical assessors sitting with them, but without the right to vote, and chosen with a view to ensuring a just representation of the competing interests.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the President will invite one of the other judges to retire in favour of a judge chosen by the other party in accordance with Article 31.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under Article 30 from a list of "Assessors for Labour cases" composed of two persons nominated by each Member of the League of Nations and an equivalent number nominated by the Governing Body of the Labour Office. The Governing Body will nominate, as to one-half, representatives of the workers, and as to one-half, representatives of employers from the list referred to in Article 412 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace.

In Labour cases the International Labour Office shall be at liberty to furnish the Court with all relevant information, and for this purpose the Director of that Office shall receive copies of all the written proceedings.

*Article 27.*

Cases relating to transit and communications, particularly cases referred to in Part XII (Ports, Waterways and Railways) of the Treaty of Versailles and the corresponding portions of the other Treaties of Peace, shall be heard and determined by the Court under the following conditions :

The Court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand, the Court will sit with the number of judges provided for in Article 25. When desired by the parties or decided by the Court, the judges will be assisted by four technical assessors sitting with them, but without the right to vote.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the President will invite one of the other judges to retire in favour of a judge chosen by the other party in accordance with Article 31.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under Article 30 from a list of "Assessors for Transit and Communications cases" composed of two persons nominated by each Member of the League of Nations.

*Article 28.*

The special chambers provided for in Articles 26 and 27 may, with the consent of the parties to the dispute, sit elsewhere than at The Hague.

*Article 29.*

With a view to the speedy despatch of business, the Court shall form annually a chamber composed of three judges who, at the request of the contesting parties, may hear and determine cases by summary procedure.

*Article 30.*

The Court shall frame rules for regulating its procedure. In particular, it shall lay down rules for summary procedure.

*Article 31.*

Judges of the nationality of each contesting party shall retain their right to sit in the case before the Court.

If the Court includes upon the Bench a judge of the nationality of one of the parties only, the other party may select from among the deputy-judges a judge of its nationality, if there be one. If there should not be one, the party may choose a judge, preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

If the Court includes upon the Bench no judge of the nationality of the contesting parties, each of these may proceed to select or choose a judge as provided in the preceding paragraph.

Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point is settled by the decision of the Court.

Judges selected or chosen as laid down in §§ 2 and 3 of this Article shall fulfil the conditions required by Articles 2, 16, 17, 20, 24 of this Statute. They shall take part in the decision on an equal footing with their colleagues.

*Article 32.*

The judges shall receive an annual indemnity to be determined by the Assembly of the League of Nations upon the proposal of the Council. This indemnity must not be decreased during the period of a judge's appointment.

The President shall receive a special grant for his period of office, to be fixed in the same way.

The Vice-President, judges and deputy-judges shall receive a grant for the actual performance of their duties, to be fixed in the same way.

Travelling expenses incurred in the performance of their duties shall be refunded to judges and deputy-judges who do not reside at the seat of the Court.

Grants due to judges selected or chosen as provided in Article 31 shall be determined in the same way.

The salary of the Registrar shall be decided by the Council upon the proposal of the Court.

The Assembly of the League of Nations shall lay down, on the proposal of the Council, a special regulation fixing the conditions under which retiring pensions may be given to the personnel of the Court.

*Article 33.*

The expenses of the Court shall be borne by the League of Nations, in such a manner as shall be decided by the Assembly upon the proposal of the Council.



## CHAPTER II.

## COMPETENCE OF THE COURT.

*Article 34.*

Only States or Members of the League of Nations can be parties in cases before the Court.

*Article 35.*

The Court shall be open to the Members of the League and also to States mentioned in the Annex to the Covenant.

The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Council, but in no case shall such provisions place the parties in a position of inequality before the Court.

When a State which is not a Member of the League of Nations is a party to a dispute, the Court will fix the amount which that party is to contribute towards the expenses of the Court.

*Article 36.*

The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in Treaties and Conventions in force.

The Members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the protocol to which the present Statute is adjoined, or at a later moment, declare that they recognise as compulsory *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning :

- (a) The interpretation of a Treaty ;
- (b) Any question of International Law ;
- (c) The existence of any fact which, if established, would constitute a breach of an international obligation ;
- (d) The nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain Members or States, or for a certain time.

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

*Article 37.*

When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the Court will be such tribunal.

*Article 38.*

The Court shall apply :

- (1) International conventions, whether general or particular, establishing rules expressly recognised by the contesting States ;

- (2) International custom, as evidence of a general practice accepted as law ;
  - (3) The general principles of law recognised by civilised nations ;
  - (4) Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.
- This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

### CHAPTER III.

#### PROCEDURE.

##### *Article 39.*

The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment will be delivered in French. If the parties agree that the case shall be conducted in English, the judgment will be delivered in English.

In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers ; the decision of the Court will be given in French and English. In this case the Court will at the same time determine which of the two texts shall be considered as authoritative.

The Court may, at the request of the parties, authorize a language other than French or English to be used.

##### *Article 40.*

Cases are brought before the Court, as the case may be, either by the notification of the special agreement, or by a written application addressed to the Registrar. In either case the subject of the dispute and the contesting parties must be indicated.

The Registrar shall forthwith communicate the application to all concerned.

He shall also notify the Members of the League of Nations through the Secretary-General.

##### *Article 41.*

The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to reserve the respective rights of either party.

Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the Council.

##### *Article 42.*

The parties shall be represented by Agents.

They may have the assistance of Counsel or Advocates before the Court.

##### *Article 43.*

The procedure shall consist of two parts : written and oral.

The written proceedings shall consist of the communication to the judges and to the parties of cases, counter-cases and, if necessary, replies ; also all papers and documents in support.

These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

A certified copy of every document produced by one party shall be communicated to the other party.

The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel and advocates.

*Article 44.*

For the service of all notices upon persons other than the agents, counsel and advocates, the Court shall apply direct to the Government of the State upon whose territory the notice has to be served.

The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

*Article 45.*

The hearing shall be under the control of the President or, in his absence, of the Vice-President ; if both are absent, the senior judge shall preside.

*Article 46.*

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

*Article 47.*

Minutes shall be made at each hearing, and signed by the Registrar and the President. These minutes shall be the only authentic record.

*Article 48.*

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

*Article 49.*

The Court may, even before the hearing begins, call upon the agents to produce any document, or to supply any explanations. Formal note shall be taken of any refusal.

*Article 50.*

The Court may, at any time, entrust any individual, body, bureau, commission, or other organisation that it may select, with the task of carrying out an enquiry or giving an expert opinion.

*Article 51.*

During the hearing, any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

*Article 52.*

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

*Article 53.*

Whenever one of the parties shall not appear before the Court, or shall fail to defend his case, the other party may call upon the Court to decide in favour of his claim.

The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

*Article 54.*

When, subject to the control of the Court, the agents, advocates and counsel have completed their presentation of the case, the President shall declare the hearing closed.

The Court shall withdraw to consider the judgment.

The deliberations of the Court shall take place in private and remain secret.

*Article 55.*

All questions shall be decided by a majority of the judges present at the hearing.

In the event of an equality of votes, the President or his deputy shall have a casting vote.

*Article 56.*

The judgment shall state the reasons on which it is based.

It shall contain the names of the judges who have taken part in the decision.

*Article 57.*

If the judgment does not represent in whole or in part the unanimous opinion of the judges, dissenting judges are entitled to deliver a separate opinion.

*Article 58.*

The judgment shall be signed by the President and by the Registrar. It shall be read in open Court, due notice having been given to the agents.

*Article 59.*

The decision of the Court has no binding force except between the parties and in respect of that particular case.

*Article 60.*

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

*Article 61.*

An application for revision of a judgment can be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

The proceedings for revision will be opened by a judgment of the Court expressly recording the existence of the new fact, recognising that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

The application for revision must be made at latest within six months of the discovery of the new fact.

No application for revision may be made after the lapse of ten years from the date of the sentence.

*Article 62.*

Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene as a third party.

It will be for the Court to decide upon this request.

*Article 63.*

Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings : but if it uses this right, the construction given by the judgment will be equally binding upon it.

*Article 64.*

Unless otherwise decided by the Court, each party shall bear its own costs.

## RATIFICATIONS.

The following Members have effected the deposit of the deeds of ratification of the Protocol on the dates given below :

		<i>Date of the instrument</i>
UNION OF SOUTH AFRICA		
ALBANIA	July 13, 1921	June 29, 1921
AUSTRALIA		
AUSTRIA	July 23, 1921	July 15, 1921
BELGIUM	August 29, 1921	August 17, 1921
BRAZIL	November 1, 1921	September 6, 1921
BULGARIA	August 12, 1921	July 29, 1921
CANADA		
CHINA	May 13, 1922	September 29, 1921
CUBA	January 12, 1922	September 12, 1921

DENMARK	June 13, 1921	May 19, 1921
BRITISH EMPIRE <sup>1</sup>	August 4, 1921	July 16, 1921
SPAIN	August 30, 1921	August 2, 1921
FINLAND	April 6, 1922	January 28, 1922
FRANCE	August 7, 1921	July 29, 1921
GREECE	October 3, 1921	September 3, 1921
HAITI	September 7, 1921	August 6, 1921
INDIA		
ITALY	June 20, 1921	June 12, 1921
JAPAN	November 16, 1921	April 9, 1921
LITHUANIA	May 16, 1922	February 14, 1922
NORWAY	August 20, 1921	July 28, 1921
NEW ZEALAND		
THE NETHERLANDS	August 6, 1921	July 20, 1921
POLAND	August 26, 1921	August 22, 1921
PORTUGAL	October 8, 1921	September 12, 1921
ROUMANIA	August 8, 1921	July 18, 1921
SERB-CROAT-SLOVENE STATE	August 12, 1921	July 25, 1921
SIAM	February, 27 1922	August 15, 1921
SWEDEN	February 21, 1921	December 31, 1920
SWITZERLAND	July 25, 1921	April 16, 1921
CZECHOSLOVAKIA	September 2, 1921	August 29, 1921
URUGUAY	September 27, 1921	August 24, 1921
VENEZUELA	December 2, 1921	September 7, 1921

The following Members have also ratified the optional clause :

	<i>Date of deposit</i>	<i>Date of the instrument</i>
AUSTRIA	March 14, 1922	February 13, 1922
BRAZIL	November 1, 1921	September 6, 1921
BULGARIA	August 12, 1921	July 29, 1921
CHINA	May 13, 1922	September 29, 1921
DENMARK	June 13, 1921	May 19, 1921
LITHUANIA	May 16, 1922	February 14, 1922
NORWAY	September 17, 1921	October 3, 1921
THE NETHERLANDS	August 6, 1921	July 20, 1921
PORTUGAL	October 8, 1921	September 12, 1921
SWITZERLAND	July 25, 1921	April 16, 1921
URUGUAY	September 27, 1921	August 24, 1921

Members having signed the optional clause or having adhered to it without making it subject to ratification :

HAITI  
SWEDEN

<sup>1</sup> The instrument of ratification of is Britannic Majesty includes the ratification by South Africa, Australia, Canada, India and New Zealand.