

N° 3822.

UNION SUD-AFRICAINNE,
ALBANIE, ALLEMAGNE,
ÉTATS-UNIS D'AMÉRIQUE,
RÉPUBLIQUE ARGENTINE, etc.

Protocole concernant la revision du
Statut de la Cour permanente de
Justice internationale, avec annexe.
Signé à Genève, le 14 septembre
1929.

UNION OF SOUTH AFRICA,
ALBANIA, GERMANY,
UNITED STATES OF AMERICA,
ARGENTINE REPUBLIC, etc.

Protocol concerning the Revision of
the Statute of the Permanent
Court of International Justice,
with Annex. Signed at Geneva,
September 14th, 1929.

No. 3822. — PROTOCOL¹ CONCERNING THE REVISION OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE. SIGNED AT GENEVA, SEPTEMBER 14TH, 1929.

Official texts in French and English. This Protocol was registered with the Secretariat on February 1st, 1936, the date of its entry into force, in accordance with the Resolution of the Assembly of the League of Nations of September 27th, 1935, and with the Report adopted by the Council on January 23rd, 1936.

1. The undersigned, duly authorised, agree, on behalf of the Governments which they represent, to make in the Statute of the Permanent Court of International Justice the amendments which are set out in the Annex to the present Protocol and which form the subject of the resolution of the Assembly of the League of Nations of September 14th, 1929.

¹ Ratifications deposited in Geneva :

BELGIUM	November 18th, 1929.
GREAT BRITAIN AND NORTHERN IRELAND AND ALL PARTS OF THE BRITISH EMPIRE WHICH ARE NOT SEPARATE MEMBERS OF THE LEAGUE OF NATIONS	February 12th, 1930.
INDIA	February 17th, 1930.
UNION OF SOUTH AFRICA	February 26th, 1930.
AUSTRIA	February 26th, 1930.
DENMARK	March 11th, 1930.
SWEDEN	March 20th, 1930.
NORWAY	April 10th, 1930.
POLAND	May 13th, 1930.
SIAM	June 2nd, 1930.
NEW ZEALAND	June 4th, 1930.
PORTUGAL	June 12th, 1930.
SWITZERLAND	July 5th, 1930.
SPAIN	July 15th, 1930.
IRISH FREE STATE	August 2nd, 1930.
ROUMANIA	August 4th, 1930.
THE NETHERLANDS (including the Netherlands Indies, Surinam and Curaçao)	August 8th, 1930.
GERMANY	August 13th, 1930.
HUNGARY	August 13th, 1930.
YUGOSLAVIA	August 27th, 1930.
AUSTRALIA	August 28th, 1930.
CANADA	August 28th, 1930.
FINLAND	August 28th, 1930.
GREECE	August 29th, 1930.
LATVIA	August 29th, 1930.

2. The present Protocol, of which the French and English texts are both authentic, shall be presented for signature to all the signatories of the Protocol¹ of December 16th, 1920, to which the Statute of the Permanent Court of International Justice is annexed, and to the United States of America.

3. The present Protocol shall be ratified. The instruments of ratification shall be deposited, if possible before September 1st, 1930, with the Secretary-General of the League of Nations, who shall inform the Members of the League of Nations and the States mentioned in the Annex to the Covenant.

4. The present Protocol shall enter into force on September 1st, 1930, provided that the Council of the League of Nations has satisfied itself that those Members of the League of Nations and States mentioned in the Annex to the Covenant which have ratified the Protocol of December 16th, 1920, and whose ratification of the present Protocol has not been received by that date, have no objection to the coming into force of the amendments to the Statute of the Court which are annexed to the present Protocol.

5. After the entry into force of the present Protocol, the new provisions shall form part of the Statute adopted in 1920 and the provisions of the original Articles which have been made the subject of amendment shall be abrogated. It is understood that, until January 1st, 1931, the Court shall continue to perform its functions in accordance with the Statute of 1920.

6. After the entry into force of the present Protocol, any acceptance of the Statute of the Court shall constitute an acceptance of the Statute as amended.

7. For the purposes of the present Protocol, the United States of America shall be in the same position as a State which has ratified the Protocol of December 16th, 1920.

Continuation of the note on page 355.

LIBERIA	August 29th, 1930.
SALVADOR	August 29th, 1930.
ESTONIA	September 8th, 1930.
ALBANIA	September 12th, 1930.
LUXEMBURG	September 15th, 1930.
HAITI	September 30th, 1930.
CHINA	October 14th, 1930.
CZECHOSLOVAKIA	October 30th, 1930.
JAPAN	November 14th, 1930.
CUBA	January 5th, 1931.
ITALY	April 2nd, 1931.
IRAN	April 25th, 1931.
BULGARIA	April 27th, 1931.
FRANCE	May 8th, 1931.
COLOMBIA	January 6th, 1932.
LITHUANIA	January 23rd, 1933.
DOMINICAN REPUBLIC	February 4th, 1933.
PARAGUAY	May 11th, 1933.
VENEZUELA	August 4th, 1933.
URUGUAY	September 19th, 1933.
CHILE	November 20th, 1933.
ETHIOPIA	March 30th, 1935.

¹ Vol. VI, page 379; Vol. XI, page 405; Vol. XV, page 305; Vol. XXIV, page 153; Vol. XXVII, page 417; Vol. XXXIX, page 165; Vol. XLV, page 96; Vol. L, page 159; Vol. LIV, page 387; Vol. LXIX, page 70; Vol. LXXII, page 452; Vol. LXXXVIII, page 435; Vol. LXXXVIII, page 272; Vol. XCII, page 362; Vol. XCVI, page 180; Vol. C, page 153; Vol. CIV, page 492; Vol. CVII, page 461; Vol. CXI, page 402; Vol. CXVII, page 46; Vol. CXXVI, page 430; Vol. CXXX, page 440; Vol. CXXXIV, page 392; Vol. CXLVII, page 318; Vol. CLII, page 282; Vol. CLVI, page 176; Vol. CLX, page 325; and Vol. CLXIV, page 352, of this Series.

Fait à Genève, le quatorzième jour de septembre mil neuf cent vingt-neuf, en un seul exemplaire qui sera déposé dans les archives du Secrétariat de la Société des Nations. Le Secrétaire général adressera des copies certifiées conformes aux Membres de la Société des Nations et aux Etats mentionnés dans l'annexe au Pacte.

Done at Geneva, the fourteenth day of September, nineteen hundred and twenty-nine, in a single copy which shall be deposited in the archives of the Secretariat of the League of Nations. The Secretary-General shall deliver authenticated copies to the Members of the League of Nations and to the States mentioned in the Annex to the Covenant.

<i>Union Sud-Africaine</i>		<i>Union of South Africa</i>
	ERIC H. LOUW.	
<i>Albanie</i>		<i>Albania</i>
	ILIAS VRIONI	
<i>Allemagne</i>		<i>Germany</i>
	FR. GAUS	
<i>Etats-Unis d'Amérique</i>		<i>United States of America</i>
	GAY PIERREPONT MOFFAT	
<i>République Argentine</i>		<i>Argentine Republic</i>
	ENRIQUE RUIZ GUIÑAZÚ	
<i>Australie</i>		<i>Australia</i>
	W. HARRISON MOORE.	
<i>Autriche</i>		<i>Austria</i>
	D ^r MARCUS LEITMAIER	
<i>Belgique</i>		<i>Belgium</i>
	HENRI ROLIN	
<i>Bolivie</i>		<i>Bolivia</i>
	A. CORTADELLAS.	
<i>Brésil</i>		<i>Brazil</i>
	M. DE PIMENTEL BRANDAO	
<i>Grande-Bretagne et Irlande du Nord</i>		<i>Great Britain and Northern Ireland</i>
ainsi que toutes parties de l'Empire britannique		and all parts of the British Empire which are
non membres séparés de la Société des Nations.		not separate Members of the League of Nations.
	ARTHUR HENDERSON	
<i>Bulgarie</i>		<i>Bulgaria</i>
	VLADIMIR MOLLOFF	
<i>Canada</i>		<i>Canada</i>
	R. DANDURAND	

<i>Chili</i>	Luis V. DE PORTO-SEGURO	<i>Chile</i>
<i>Chine</i>	CHAO-CHU WU	<i>China</i>
<i>Colombie</i>	Francisco José URRUTIA	<i>Colombia</i>
<i>Cuba</i>	G. de BLANCK	<i>Cuba</i>
¹ Sous réserve de l'article 4 du Protocole et de la nouvelle rédaction de l'article 23 du Statut de la Cour ² .		
<i>Danemark</i>	Georg COHN	<i>Denmark</i>
<i>République Dominicaine</i>	M. L. VASQUEZ G.	<i>Dominican Republic</i>
<i>Espagne</i>	C. BOTELLA	<i>Spain</i>
<i>Estonie</i>	A. SCHMIDT.	<i>Estonia</i>
<i>Ethiopie</i>	Badjerond Zelleka AGGUEDAOU	<i>Ethiopia</i>
<i>Finlande</i>	A. S. YRJÖ-KOSKINEN.	<i>Finland</i>
<i>France</i>	Henri FROMAGEOT	<i>France</i>
<i>Grèce</i>	POLITIS	<i>Greece</i>
<i>Guatémala</i>	Luis V. DE PORTO-SEGURO	<i>Guatemala</i>

¹ Translation by the Secretariat of the League of Nations :

Subject to reservation as regards Article 4 of the Protocol and the new text of Article 23 of the Statute of the Court.

² Le Gouvernement de Cuba, après avoir ratifié le Protocole avec cette réserve, l'a ensuite retirée par un instrument déposé au Secrétariat le 14 mars 1932.

² The Cuban Government, after ratifying the Protocol with this reservation, withdrew it later by an instrument deposited with the Secretariat on March 14th, 1932.

<i>Haïti</i>	LUC DOMINIQUE	<i>Haiti</i>
<i>Hongrie</i>	LADISLAS GAJZAGO	<i>Hungary</i>
<i>Inde</i>	Md. HABIBULLAH	<i>India</i>
<i>Etat libre d'Irlande</i>	JOHN A. COSTELLO	<i>Irish Free State</i>
<i>Italie</i>	VITTORIO SCIALOJA	<i>Italy</i>
<i>Japon</i>	ISABURO JOSHIDA	<i>Japan</i>
<i>Lettonie</i>	CHARLES DUZMANS.	<i>Latvia</i>
<i>Libéria</i>	A. SOTTILE	<i>Liberia</i>
<i>Lithuanie</i>	ZAUNIUS	<i>Lithuania</i>
<i>Luxembourg</i>	BECH	<i>Luxemburg</i>
<i>Nicaragua</i>	FRANCISCO TORRES F.	<i>Nicaragua</i>
<i>Norvège</i>	ARNOLD RAESTAD	<i>Norway</i>
<i>Nouvelle-Zélande</i>	C. J. PARR	<i>New Zealand</i>
<i>Panama</i>	J. D. AROSEMENA	<i>Panama</i>
<i>Paraguay</i>	R. V. CABALLERO DE BEDOYA	<i>Paraguay</i>

<i>Pays-Bas</i>	V. EYSINGA.	<i>The Netherlands</i>
<i>Pérou</i>	Mar. H. CORNEJO	<i>Peru</i>
<i>Perse</i>	P. P. KITABGI	<i>Persia</i>
<i>Pologne</i>	M. ROSTWOROWSKI S. RUNDSTEIN	<i>Poland</i>
<i>Portugal</i>	Prof. Doutor J. LOBO D'AVILA LIMA	<i>Portugal</i>
<i>Roumanie</i>	ANTONIADE	<i>Roumania</i>
<i>Salvador</i>	J. Gustavo GUERRERO	<i>Salvador</i>
<i>Royaume des Serbes, Croates et Slovènes</i>	I. CHOUMENKOVITCH	<i>Kingdom of the Serbs, Croats and Slovenes</i>
<i>Siam</i>	VARNVAIDYA.	<i>Siam</i>
<i>Suède</i>	E. MARKS VON WÜRTEMBERG.	<i>Sweden</i>
<i>Suisse</i>	MOTTA.	<i>Switzerland</i>
<i>Tchécoslovaquie</i>	Zd. FIERLINGER	<i>Czechoslovakia</i>
<i>Uruguay</i>	A. GUANI	<i>Uruguay</i>
<i>Venezuela</i>	C. ZUMETA	<i>Venezuela</i>

ANNEX TO THE PROTOCOL OF SEPTEMBER 14TH, 1929.

AMENDMENTS

TO THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

Articles 3, 4, 8, 13, 14, 15, 16, 17, 23, 25, 26, 27, 29, 31, 32 and 35 are replaced by the following provisions :

New text of Article 3.

The Court shall consist of fifteen members.

New text of 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 Convention¹ of the Hague of 1907 for the pacific settlement of international disputes.

The conditions under which a State which has accepted the Statute of the Court but is not a member of the League of Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the Assembly on the proposal of the Council.

New text of Article 8.

The Assembly and the Council shall proceed independently of one another to elect the members of the Court.

New text of 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.

In the case of the resignation of a member of the Court, the resignation will be addressed to the President of the Court for transmission to the Secretary-General of the League of Nations.

This last notification makes the place vacant.

New text of Article 14.

Vacancies which may occur shall be filled by the same method as that laid down for the first election, subject to the following provision : the Secretary-General of the League of Nations shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Council at its next session.

New text of Article 15.

A member of the Court elected to replace a member whose period of appointment has not expired, will hold the appointment for the remainder of his predecessor's term.

New text of Article 16.

The members of the Court may not exercise any political or administrative function, nor engage in any other occupation of a professional nature.

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

¹ *British and Foreign State Papers*, Vol. 100, page 298.

New text of Article 17.

No member of the Court may act as agent, counsel or advocate in any case.

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.

New text of Article 23.

The Court shall remain permanently in session except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

Members of the Court whose homes are situated at more than five days' normal journey from The Hague shall be entitled, apart from the judicial vacations, to six months' leave every three years, not including the time spent in travelling.

Members of the Court shall be bound, unless they are on regular leave or prevented from attending by illness or other serious reason duly explained to the President, to hold themselves permanently at the disposal of the Court.

New text of Article 25.

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

Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

Provided always that a quorum of nine judges shall suffice to constitute the Court.

New text of 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 full Court will sit. In both cases, 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.

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.

Recourse may always be had to the summary procedure provided for in Article 29, in the cases referred to in the first paragraph of the present Article, if the parties so request.

In Labour cases, the International 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.

New text of 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 full Court will sit. 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.

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.

Recourse may always be had to the summary procedure provided for in Article 29, in the cases referred to in the first paragraph of the present Article, if the parties so request.

New text of Article 29.

With a view to the speedy despatch of business, the Court shall form annually a Chamber composed of five judges who, at the request of the contesting parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit.

New text of Article 31.

Judges of the nationality of each of the contesting parties 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, the other party may choose a person to sit as judge. Such person shall be chosen 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 parties may proceed to select a judge as provided in the preceding paragraph.

The present provision shall apply to the case of Articles 26, 27 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the Chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such or if they are unable to be present, to the judges specially appointed by the parties.

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 as laid down in paragraphs 2, 3 and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20 and 24 of this Statute. They shall take part in the decision on terms of complete equality with their colleagues.

New text of Article 32.

The members of the Court shall receive an annual salary.

The President shall receive a special annual allowance.

The Vice-President shall receive a special allowance for every day on which he acts as President.

The judges appointed under Article 31, other than members of the Court, shall receive an indemnity for each day on which they sit.

These salaries, allowances and indemnities shall be fixed by the Assembly of the League of Nations on the proposal of the Council. They may not be decreased during the term of office.

The salary of the Registrar shall be fixed by the Assembly on the proposal of the Court.

Regulations made by the Assembly shall fix the conditions under which retiring pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their travelling expenses refunded.

The above salaries, indemnities and allowances shall be free of all taxation.

New text of 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. This provision shall not apply if such State is bearing a share of the expenses of the Court.

The French text of Article 38, No. 4, is replaced by the following provision.

4. Sous réserve de la disposition de l'article 59, les décisions judiciaires et la doctrine des publicistes les plus qualifiés des différentes nations, comme moyen auxiliaire de détermination des règles de droit.

[There is no change in the English text.]

Articles 39 and 40 are replaced by the following provisions :

New text of 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 any party, authorise a language other than French or English to be used.

New text of 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, and also any States entitled to appear before the Court.

The English text of Article 45 is replaced by the following provision :

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President ; if neither is able to preside, the senior judge present shall preside.

[There is no change in the French text.]

The following new chapter is added to the Statute of the Court :

CHAPTER IV. — ADVISORY OPINIONS.

New Article 65.

Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request, signed either by the President of the Assembly or the President of the Council of the League of Nations, or by the Secretary-General of the League under instructions from the Assembly or the Council.

The request shall contain an exact statement of the question upon which an opinion is required, and shall be accompanied by all documents likely to throw light upon the question.

New Article 66.

1. The Registrar shall forthwith give notice of the request for an advisory opinion to the Members of the League of Nations, through the Secretary-General of the League, and to any States entitled to appear before the Court.

The Registrar shall also, by means of a special and direct communication, notify any Member of the League or State admitted to appear before the Court or international organisation considered by the Court (or, should it not be sitting, by the President) as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time-limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

Should any Member or State referred to in the first paragraph have failed to receive the communication specified above, such Member or State may express a desire to submit a written statement, or to be heard ; and the Court will decide.

2. Members, States, and organisations having presented written or oral statements or both shall be admitted to comment on the statements made by other Members, States, or organisations in the form, to the extent and within the time-limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to Members, States, and organisations having submitted similar statements.

New Article 67.

The Court shall deliver its advisory opinions in open Court, notice having been given to the Secretary-General of the League of Nations and to the representatives of Members of the League, of States and of international organisations immediately concerned.

New Article 68.

In the exercise of its advisory functions, the Court shall further be guided by the provisions of the Statute which apply in contentious cases to the extent to which it recognises them to be applicable.