

RESTRICTED  
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CO/171 (1)  
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## COORDINATION COMMITTEE

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### CHAPTER XII

#### POLICY REGARDING NON-SELF-GOVERNING TERRITORIES

##### Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and

(a) to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

### CHAPITRE XII

#### POLITIQUE RELATIVE AUX TERRITOIRES NON-AUTONOMES

##### Article 73

Les membres des Nations Unies à qui incombe la responsabilité de l'administration de territoires dont les populations ne s'administrent pas encore complètement elles-mêmes reconnaissent le principe de la primauté des intérêts des habitants de ces territoires et acceptent comme une mission sacrée l'obligation de favoriser dans toute la mesure du possible leur prospérité, dans le cadre du système de paix et de sécurité internationales établi par la présente Charte et à cette fin:

(a) d'assurer, dans le dû respect de la culture des populations en question, leur progrès politique, économique et social, ainsi que le développement de leur instruction, de les traiter avec équité et de les protéger contre les abus;

(b) to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

(c) to further international peace and security;

(d) to promote constructive measures of development, to encourage research, and to cooperate with one another and with appropriate international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this paragraph; and

(e) to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapter XII (A) of the present Charter applies.

(b) de développer l'autonomie, de tenir compte des aspirations politiques des populations, et de les aider dans le développement progressif de leurs libres institutions politiques, dans la mesure appropriée aux circonstances particulières de chaque territoire et de ses populations et à leurs degrés variables d'avancement;

(c) d'affermir la paix et la sécurité internationales;

(d) de favoriser des mesures constructives de développement, d'encourager des travaux de recherches, de coopérer l'un avec l'autre et, avec les organismes internationaux appropriés, en vue d'atteindre les buts sociaux, économiques, et scientifiques indiqués au présent paragraphe;

(e) de communiquer régulièrement au Secrétaire Général, à titre d'information, sous réserve des exigences de la sécurité et de considérations d'ordre constitutionnel, des renseignements statistiques et autres de nature technique relatifs aux conditions économiques, sociales et d'éducation des territoires autres que ceux auxquels s'appliquent les dispositions du Chapitre XII (A) de la présente Charte.

Article 74

Members of the United Nations agree that their policy in respect of the territories, to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

Article 74

Les membres des Nations-Unies reconnaissent que leur politique doit être fondée, dans les territoires, auxquels s'applique le présent Chapitre, comme dans leurs territoires métropolitains, sur le principe général du bon voisinage, compte tenu des intérêts et de la prospérité du reste du monde dans le domaine social, économique et commercial.

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## CHAPTER XII (Y)

### THE TRUSTEESHIP COUNCIL

#### Composition

#### Article 86

The Trusteeship Council shall consist of specially qualified representatives designated as follows: (a) one each by the members of the United Nations administering trust territories; (b) one each by such of the members mentioned by name in Article 23 as are not administering trust territories; and (c) one each by as many other members of the United Nations elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of representatives is equally divided between administering and non-administering members of the United Nations.

## CHAPITRE XII (Y)

### LE CONSEIL DE TUTELLE

#### Composition

#### Article 86

Le Conseil de Tutelle est composé de représentants spécialement qualifiés, et désignés: (a) par chacun des membres des Nations Unies chargés d'administrer des territoires sous Tutelle à raison d'un par membre; (b) par chacun des membres désignés nommément à l'Article 23 et n'administrant pas de territoires sous Tutelle, à raison d'un par membre; et (c) par d'autres membres élus pour trois ans par l'Assemblée Générale, à raison d'un représentant par membre, et de manière que le nombre total des représentants se partage également entre les membres des Nations Unies qui administrent des territoires sous Tutelle et ceux qui n'en administrent pas.



Functions and PowersArticle 87

The Trusteeship Council, in carrying out its functions as authorized by the General Assembly, may: (a) consider reports submitted by the administering authority; (b) accept petitions and examine them in consultation with the administering authority; (c) provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and (d) take these and other actions in conformity with the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

Fonctions et PouvoirsArticle 87

Le Conseil de Tutelle a qualité, dans l'exercice des fonctions qu'il remplit par autorisation de l'Assemblée Générale, (a) pour examiner les rapports qui lui sont soumis par l'autorité chargée de l'administration; (b) pour recevoir des pétitions et les examiner en consultation avec ladite autorité; (c) pour faire procéder à des visites périodiques dans les territoires administrés par ladite autorité à des dates convenues avec elle; (d) pour prendre ces dispositions et toutes autres conformément aux accords de tutelle.

Article 88

Le Conseil de Tutelle établit un questionnaire portant sur les progrès des habitants de tous les territoires sous tutelle dans les domaines politique, économique et social et dans celui de l'éducation; et l'autorité chargée de l'administration du territoire sous tutelle relevant de la compétence de l'Assemblée Générale adresse à celle-ci un rapport annuel fondé sur le questionnaire précité.

VotingArticle 88(x)

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be taken by a majority of the members present and voting.

ProcedureArticle 89

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 90

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

VoteArticle 88(x)

1. Chaque membre du Conseil de Tutelle dispose d'une voix.
2. Les décisions du Conseil de Tutelle sont prises à la majorité des membres présents et votant.

ProcédureArticle 89

1. Le Conseil de Tutelle adopte son règlement intérieur, dans lequel il fixe le mode de désignation de son Président.
2. Il se réunit selon les besoins, conformément à son règlement; celui-ci comprend des dispositions prévoyant la convocation du Conseil à la demande de la majorité de ses membres.

Article 90

Le Conseil de Tutelle recourt quand il y a lieu, à l'assistance du Conseil Economique et Social et à celle des institutions spécialisées pour les questions qui relèvent de leur compétence respective.

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CHAPTER XIII

CHAPITRE XIII

MISCELLANEOUS PROVISIONS

DISPOSITIONS DIVERSES

Article 74

1. Every treaty and every international agreement entered into by any member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 75

In the event of a conflict between the obligations of the members of the United Nations under the present Charter and any other international obligations to which they are subject, their obligations under the present Charter shall prevail.

Article 74

1. Tout traité et accord international, conclu par un membre des Nations Unies après l'entrée en vigueur de la présente Charte, sera le plus tôt possible enregistré au Secrétariat et publié par celui-ci.

2. Aucune des parties à un traité ou à un accord international qui n'aura pas été enregistré conformément aux dispositions du paragraphe 1 ne pourra invoquer ledit traité ou accord devant un organe quelconque de l'Organisation.

Article 75

En cas de contradiction entre les obligations assumées par les membres des Nations Unies en vertu de la présente Charte et toutes autres obligations internationales auxquelles ils sont soumis, les obligations imposées par la présente Charte prévaudront.

Article 76

The Organization shall enjoy in the territory of each of its members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

Article 77

1. The Organization shall enjoy in the territory of each of its members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the members of the Organization and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the members of the Organization for this purpose.

Article 76

L'Organisation jouit, sur le territoire de chacun de ses Membres, du statut juridique nécessaire à l'exercice de ses fonctions et à l'accomplissement de sa tâche.

Article 77

1. L'Organisation jouit, sur le territoire de chacun de ses Membres, des privilèges et immunités nécessaires à l'accomplissement de sa tâche.

2. Les représentants des Membres de l'Organisation et les fonctionnaires de l'Organisation jouissent également des privilèges et immunités nécessaires pour exercer en toute indépendance leurs fonctions en rapport avec l'Organisation.

3. L'Assemblée Générale peut faire des recommandations en vue de fixer les détails d'application des paragraphes 1 et 2 du présent article ou proposer aux Membres de l'Organisation des conventions à cet effet.



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### CHAPTER XIV

#### TRANSITIONAL SECURITY ARRANGEMENTS

##### Article 79

Pending the coming into force of such special agreements referred to in Article 47, as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 46, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion arises with other members of the Organization with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

### CHAPITRE XIV

#### DISPOSITIONS TRANSITOIRES SÉCURITÉ

##### Article 79

En attendant l'entrée en vigueur des accords spéciaux mentionnés à l'Article 47, qui de l'avis du Conseil de Sécurité, lui permettront de commencer à assumer les responsabilités lui incombant en application de l'Article 46, les parties à la Déclaration des Quatre Nations, signée à Moscou, le 30 octobre 1943 et la France, se concerteront entre elles et, s'il y a lieu, avec d'autres membres de l'Organisation, conformément aux dispositions du paragraphe 5 de cette Déclaration, en vue d'entreprendre en commun, au nom de l'Organisation, toute action qui pourrait être nécessaire pour maintenir la paix et la sécurité internationales.

Article 80

Nothing in the present Charter shall invalidate or preclude action in relation to any state which during the second world war has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

Article 80

Aucune disposition de la présente Charte ne peut avoir pour effet de rendre nulles ou d'interdire des mesures prises ou autorisées en conséquence de cette guerre par les gouvernements à qui la responsabilité de ces mesures incombe et relatives à tout Etat qui, au cours de la seconde guerre mondiale, aura été l'ennemi de l'un quelconque des signataires de la Charte.

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### CHAPTER XV

#### AMENDMENTS

##### Article 81

Amendments to the present Charter shall come into force for all members of the Organization when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the members of the Organization, including all the permanent members of the Security Council.

### CHAPITRE XV

#### AMENDEMENTS

##### Article 81

Les amendements à la présente Charte entreront en vigueur pour tous les membres de l'Organisation quand ils auront été adoptés à la majorité des 2/3 des membres de l'Assemblée Générale et ratifiés, conformément à leurs règles constitutionnelles respectives, par les deux-tiers des membres de l'Organisation, y compris tous les membres permanents du Conseil de Sécurité.

Article 81 (X)

1. A general conference of the members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the General Assembly and by a vote of any seven members of the Security Council. Each member shall have one vote in the conference.

2. Any modification of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the members of the Organization including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the entry into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

Article 81 (X)

1. Une Conférence Générale des Membres de l'Organisation des Nations Unies, en vue d'une révision de la présente Charte, pourra être réunie aux lieu et date qui seront fixés par un vote de l'Assemblée Générale, à la majorité des deux-tiers et par un vote à la majorité de sept quelconques des membres du Conseil de Sécurité. Chaque membre disposera d'une voix à la Conférence.

2. Toute modification à la présente Charte recommandée par la Conférence à la majorité des deux-tiers prendra effet lorsqu'elle aura été ratifiée, conformément à leurs règles constitutionnelles, par les 2/3 des membres de l'Organisation, y compris tous les membres permanents du Conseil de Sécurité.

3. Si cette Conférence n'a pas été réunie avant la dixième session annuelle de l'Assemblée Générale qui suivra l'entrée en vigueur de la Charte, une proposition en vue de la convoquer sera inscrite à l'ordre du jour de cette session, et la Conférence sera réunie s'il en est ainsi décidé par un vote de la majorité de l'Assemblée Générale et par un vote de sept quelconques des membres du Conseil de Sécurité.



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## CHAPTER XV (X)

## RATIFICATION AND SIGNATURE

Article 82

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary General of the Organization when he has been elected.

3. The present Charter shall come into force upon the deposit of ratifications by the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Republic of China, and France, and by a majority of the other signatory states. A protocol of such deposit shall be drawn up by the Government of the United

## CHAPITRE XV (X)

## RATIFICATION ET SIGNATURE

Article 82

1. La présente Charte sera ratifiée par les Etats signataires conformément à leurs règles constitutionnelles.

2. Les ratifications seront déposées auprès du Gouvernement des Etats-Unis d'Amérique, qui notifiera chaque dépôt à tous les Etats signataires ainsi qu'au Secrétaire Général de l'Organisation, lorsque celui-ci aura été élu.

3. La présente Charte entrera en vigueur après le dépôt des ratifications par les Etats-Unis d'Amérique, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, l'Union des Républiques Soviétiques Socialistes, la République de Chine, la France et la majorité des autres Etats signataires. Un procès-verbal des dépôts sera dressé par le Gouvernement des Etats-Unis

States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become members of the United Nations on the date of the deposit of their respective ratifications.

### Article 83

The present Charter, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

In faith whereof the Representatives of the United Nations have signed the present Charter.

d'Amérique qui en communiquera copie à tous les Etats signataires.

4. Les Etats signataires de la présente Charte qui la ratifient après son entrée en vigueur deviendront membres des Nations Unies à la date du dépôt de leurs ratifications respectives.

### Article 83

La présente Charte, dont les textes chinois, anglais, français, russe et espagnol feront également foi, sera déposée dans les archives du gouvernement des Etats-Unis d'Amérique. Des copies dûment certifiées conformes en seront remises par lui aux gouvernements des autres Etats signataires.

En foi de quoi, les représentants des Nations Unies ont signé la présente Charte.

Done at the City of San Francisco the twenty-third day of June, One Thousand Nine Hundred and Forty-five.

Fait à San Francisco, le vingt-trois juin mille neuf-cent quarante cinq.

Argentina:

Australia:

Belgium:

etc.

# COORDINATION COMMITTEE

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DRAFT STATUTE OF THE INTERNATIONAL COURT  
OF JUSTICE AS FINALLY APPROVED IN ENGLISH BY  
BOTH THE COORDINATION COMMITTEE AND THE ADVISORY  
COMMITTEE OF JURISTS ON JUNE 22, 1945. THE TEXT  
IN FRENCH WAS FINALLY APPROVED BY THE ADVISORY  
COMMITTEE OF JURISTS ON JUNE 22, 1945.



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## STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

### Article 1

THE INTERNATIONAL COURT OF JUSTICE established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

### CHAPTER I

#### ORGANIZATION OF THE COURT

### Article 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among 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 recognized competence in international law.

### Article 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

### Article 4

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

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated 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.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

### Article 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, 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.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group 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

1. The Secretary-General shall prepare a list

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in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

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

## Article 8

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

## Article 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

## Article 10

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

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security 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

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

2. If the joint 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 Article 7.

3. 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 elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

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

## Article 13

1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to

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

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

## Article 14

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General 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 Security Council.

## Article 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

## Article 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

## Article 17

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

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

3. Any doubt on this point shall be settled by the decision of the Court.

## Article 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. 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

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

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

## Article 22

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

## Article 23

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

2. Members of the Court are entitled to peri-



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odic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

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

## Article 24

1. 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.

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

3. 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

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

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

3. A quorum of nine judges shall suffice to constitute the Court.

## Article 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labor cases and cases relating to transit and communications.

2. The Court may at any time form a chamber

for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

## Article 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

## Article 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions 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 five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

## Article 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

## Article 31

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

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among



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those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 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 chosen by the parties.

5. 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 shall be settled by the decision of the Court.

6. Judges chosen 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 the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

## Article 32

1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

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

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by

the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement 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 traveling expenses refunded.

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

## Article 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

## CHAPTER II

### COMPETENCE OF THE COURT

## Article 34

1. Only states may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

## Article 35

1. The Court shall be open to the states parties to the present Statute.

2. 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

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down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall 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.

## Article 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all 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.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the

International Court of Justice for the period which they still have to run and in accordance with their terms.

6. 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

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

## Article 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;
- d. 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.

2. 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

1. The official languages of the Court shall be French and English. If the parties agree that the

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case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. 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 shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

## Article 40

1. 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 parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

## Article 41

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

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

## Article 42

1. The parties shall be represented by agents.
2. They may have the assistance of counsel or advocates before the Court.
3. The agents, counsel, and advocates of par-

ties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

## Article 43

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

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

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

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

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

## Article 44

1. 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.

2. 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, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present 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.



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## Article 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.
2. These minutes alone shall be authentic.

## 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 organization 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

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim.

2. 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

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.
2. The Court shall withdraw to consider the judgment.
3. The deliberations of the Court shall take place in private and remain secret.

## Article 55

1. All questions shall be decided by a majority of the judges present.
2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

## Article 56

1. The judgment shall state the reasons on which it is based.
2. 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, any judge shall be 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.



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## 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

1. An application for revision of a judgment may 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.

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

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

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

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

## Article 62

1. 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.

2. It shall be for the Court to decide upon this request.

## Article 63

1. 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.

2. 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.

## CHAPTER IV

### ADVISORY OPINIONS

## Article 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

## Article 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.

2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization 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.

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3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations 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 states and organizations having submitted similar statements.

## Article 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

## Article 68

In the exercise of its advisory functions the

Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

## CHAPTER V

### AMENDMENT

#### Article 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

#### Article 70

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.



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