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第五章 修正

第六十九條

本規約之修正經大會會員三分之二之表決並經聯合國會員中所有在安全理事會佔常任席之各國及本規約其他當事國之過半數各依其憲法規定程序批准後對於本規約全体當事國發生效力。

（本條文字係根據頓巴敦橡樹建議案第十一章倘該章有變更時本條規定當再予考慮）

THE UNITED NATIONS
COMMITTEE OF JURISTS

Washington, D. C.

RESTRICTED
Jurist 75(59)
G/62
April 20, 1945

DRAFT OF
STATUTE OF AN INTERNATIONAL COURT OF JUSTICE
REFERRED TO IN CHAPTER VII OF THE DUMBARTON OAKS PROPOSALS

SUBMITTED BY THE
UNITED NATIONS COMMITTEE OF JURISTS
TO THE
UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION
AT SAN FRANCISCO

(Washington, D. C., April 20, 1945)

Article 1.

[For reasons stated in the accompanying Report, the text of Article 1 has been left in blank pending decision by The United Nations Conference at San Francisco.]

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 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 recognized competence in international law.

Article 3.

The Court shall consist of fifteen members no two of whom may be nationals of the same State or Member of The United Nations.

Article 4.

(1) The members of the Court shall be elected by the General Assembly and by the Security Council of The United Nations 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, 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

(1) The members of the Court shall be elected by the General Assembly and by the Security Council of The United Nations from a list of persons nominated in accordance with Articles 5 and 6.

(2) The conditions under which a State which has accepted the Statute of the Court 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

of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

on the proposal of the Security Council.

(3) The conditions under which a State which has accepted the Statute of the Court 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 on the proposal 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 (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.

At least three months before the date of the election, the Secretary-General of The United Nations shall address a written request to the Governments of Members of the United Nations and of States parties to the present Statute inviting each of them to undertake, within a given time, the nomination of a person of their own nationality 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.

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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.

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Article 7.

(1) The Secretary-General of The United 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.

(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.

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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 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 amongst 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 amongst 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 of The United Nations immediately after the first election has been completed.

(3) The members of the Court shall continue to 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 of The United Nations. 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 of The United 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 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 contesting 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 of The United Nations 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.

[Subject to reconsideration after provisions on the same subject have been adopted for incorporation in the Charter.]

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) It 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 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 periodic 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 regular 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 on 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.

(2) 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.

(3) Provided always that 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 a judgment 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 dispatch 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 contesting 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 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 contesting 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 appointed 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(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 appointed under Article 31, other than members of the Court, shall receive indemnities for each day on which they exercise their functions.

(5) These salaries, allowances and indemnities shall be fixed by the General Assembly of The United Nations. 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 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 traveling expenses refunded.

(8) The above salaries, indemnities and allowances 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 or Members of The United Nations 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.

Article 35.

(1) The Court shall be open to the Members of The United Nations and also to 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 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.

✓The Committee submits two alternative texts of this Article since the opinion of the members of the Committee was divided on the selection of one or the other.✓

✓(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 Members of The United Nations and 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 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.

(3) 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.

✓(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 Members of The United Nations and States parties to the present Statute recognize as among themselves the jurisdiction of the Court as compulsory ipso facto and without special agreement in any legal dispute concerning:

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

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

(4) In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.⁷

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 or by The United Nations, the Court shall be such tribunal.

Subject to reconsideration after the adoption of a text of Article 1.⁷

Article 38.

(1) The Court 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 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 contesting 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 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 reserve the respective rights of either party.

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

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.

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 his case, the other party may call upon the Court to decide in favor of his 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, advocates and counsel 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.

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) 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 General Assembly or the President of the Security Council or by the Secretary-General of The United Nations under instructions from the General Assembly or the Security Council.

(2) 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.

Article 66.

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

(2) The Registrar shall also, by means of a special and direct communication, notify any Member of The United Nations or 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.

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

(4) Members, States, and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other Members, 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 Members, 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 of The United Nations and to the representatives of Members of The United Nations, of 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 come into force for all parties to the Statute 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 the Members of The United Nations having permanent

membership on the Security Council and by a majority of the other parties to the Statute.

✓The above text of Article 69 was adopted to conform with Chapter XI of the Dumbarton Oaks Proposals and subject to reconsideration if that text is changed.7

THE UNITED NATIONS
COMMITTEE OF JURISTS

Washington, D. C.

RESTRICTED
Jurist 75 (revised)
G/62
April 27, 1945

DRAFT OF
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(1) The members of the Court shall be elected by the General Assembly and by the Security Council of The United Nations 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, 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

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At least three months before the date of the election, the Secretary-General of The United Nations shall address a written request to the Governments of Members of the United Nations and of States parties to the present Statute inviting each of them to undertake, within a given time, the nomination of a person of their own nationality 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.

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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.

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

(2) In the event of more than one national of the same State or Member of The United Nations obtaining an absolute majority of the votes of both 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 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 amongst 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 amongst 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 of The United Nations immediately after the first election has been completed.

(3) The members of the Court shall continue to 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 of The United Nations. 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 of The United 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 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 contesting 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 of The United Nations 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.

/Subject to reconsideration after provisions on the same subject have been adopted for incorporation in the Charter./

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) It 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 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 periodic 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 regular 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 on 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.

(2) 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.

(3) Provided always that 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 a judgment 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 dispatch 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 contesting 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 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 contesting 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 appointed 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(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 appointed under Article 31, other than members of the Court, shall receive indemnities for each day on which they exercise their functions.

(5) These salaries, allowances and indemnities shall be fixed by the General Assembly of The United Nations. 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 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 traveling expenses refunded.

(8) The above salaries, indemnities and allowances 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 or Members of The United Nations 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.

Article 35.

(1) The Court shall be open to the Members of The United Nations and also to 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 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.

✓The Committee submits two alternative texts of this Article since the opinion of the members of the Committee was divided on the selection of one or the other.✓

✓(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 Members of The United Nations and 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 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.

(3) 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.

✓(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 Members of The United Nations and States parties to the present Statute recognize as among themselves the jurisdiction of the Court as compulsory ipso facto and without special agreement in any legal dispute concerning:

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

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

(4) In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.7

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 or by The United Nations, the Court shall be such tribunal.

Subject to reconsideration after the adoption of a text of Article 1.7

Article 38.

(1) The Court 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 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 contesting 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 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 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.

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.

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 his case, the other party may call upon the Court to decide in favor of his 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, advocates and counsel 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 of 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.

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) 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 General Assembly or the President of the Security Council or by the Secretary-General of The United Nations under instructions from the General Assembly or the Security Council.

(2) 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.

Article 66.

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

(2) The Registrar shall also, by means of a special and direct communication, notify any Member of The United Nations or 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.

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

(4) Members, States, and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other Members, 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 Members, 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 of The United Nations and to the representatives of Members of The United Nations, of 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 come into force for all parties to the Statute 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 the Members of The United Nations having permanent

membership on the Security Council and by a majority of the other parties to the Statute.

The above text of Article 69 was adopted to conform with Chapter XI of the Dumbarton Oaks Proposals and subject to reconsideration if that text is changed.7

THE UNITED NATIONS
COMMITTEE OF JURISTS

Washington, D. C.

RESTRICTED
Jurist 76(60)
G/63
April 20, 1945

PROJET DE
STATUT DE LA COUR INTERNATIONALE DE JUSTICE
VISEE AU CHAPITRE VII DES PROPOSITIONS DE DUMBARTON OAKS

PROPOSE PAR LE
COMITE DE JURISTES DES NATIONS UNIES
A LA
CONFERENCE DES NATIONS UNIES
POUR L'ORGANISATION INTERNATIONALE
A SAN FRANCISCO

(Washington, D. C., le 20 Avril 1945)

Article 1.

[Pour les raisons indiquées dans le rapport ci-joint, le texte de cet article a été laissé en blanc, en attendant la décision de la Conférence des Nations Unies à San Francisco.]

CHAPITRE I

Organisation de la Cour

Article 2.

La Cour est un corps de magistrats indépendants, élus sans égard à leur nationalité parmi les personnes jouissant de la plus haute considération morale, et qui réunissent les conditions requises pour l'exercice, dans leurs pays respectifs, des plus hautes fonctions judiciaires, ou qui sont des juristes possédant une compétence notoire en matière de droit international.

Article 3.

La Cour se compose de quinze membres. Elle ne pourra comprendre plus d'un ressortissant du même Etat ou Lembre des Nations Unies.

Article 4.

(1) Les Membres de la Cour sont élus par l'Assemblée générale et par le Conseil de Sécurité des Nations Unies sur une liste de personnes présentées par les groupes nationaux de la Cour permanente d'Arbitrage conformément aux dispositions suivantes.

(2) En ce qui concerne les Membres des Nations Unies qui ne sont pas représentés à la Cour permanente d'Arbitrage

(1) Les Membres de la Cour sont élus par l'Assemblée générale et par le Conseil de Sécurité des Nations Unies sur une liste de personnes présentées conformément aux articles 5 et 6.

(2) En l'absence d'accord spécial, l'Assemblée générale, sur la proposition du Conseil de Sécurité, réglera les condi-

les listes de candidats seront présentées par des groupes nationaux, désignés à cet effet par leurs gouvernements, dans les mêmes conditions que celles stipulées pour les membres de la Cour d'Arbitrage par l'article 44 de la Convention de La Haye de 1907 sur le règlement pacifique des conflits internationaux.

(3) En l'absence d'un accord spécial, l'Assemblée générale, sur la proposition du Conseil de Sécurité, réglera les conditions auxquelles peut participer à l'élection des membres de la Cour, un Etat qui, tout en ayant accepté le Statut de la Cour, n'est pas membre des Nations Unies.

tions auxquelles peut participer à l'élection des membres de la Cour un Etat qui, tout en ayant accepté le Statut de la Cour, n'est pas membre des Nations Unies.

Article 5.

(1) Trois mois au moins avant la date de l'élection, le Secrétaire général des Nations Unies invite par écrit les membres de la Cour permanente d'Arbitrage ainsi que les membres des groupes nationaux désignés conformément au paragraphe 2 de l'article 4, à procéder dans un délai déterminé par les groupes nationaux à la présentation de personnes en situation de remplir les fonctions de membre de la Cour.

Trois mois au moins avant la date de l'élection, le Secrétaire général des Nations Unies invite par écrit les Gouvernements des Nations Unies et des Etats parties au présent Statut à procéder, dans un délai déterminé, à la présentation d'une personne de sa nationalité en situation de remplir les fonctions de membre de la Cour.

(2) Chaque groupe ne peut en aucun cas présenter plus de quatre personnes dont deux au plus de sa nationalité. En aucun cas, il ne peut être présenté un nombre de candidats plus élevé que le double des places à remplir.

Article 6.

Avant de procéder à cette désignation, il est recommandé à chaque groupe national de consulter la plus haute cour de justice, les facultés et écoles de droit, les académies nationales et les sections nationales d'académies internationales, vouées à l'étude du droit.

Avant de procéder à cette désignation, il est recommandé à chaque gouvernement de consulter la plus haute cour de justice, les facultés et écoles de droit, les académies nationales et les sections nationales d'académies internationales, vouées à l'étude du droit.

Article 7.

(1) Le Secrétaire général des Nations Unies dresse, par ordre alphabétique, une liste de toutes les personnes ainsi désignées: seules ces personnes sont éligibles, sauf le cas prévu à l'article 12, paragraphe 2.

(2) Le Secrétaire général communique cette liste à l'Assemblée générale et au Conseil de Sécurité.

Article 8.

L'Assemblée générale et le Conseil de Sécurité procèdent indépendamment l'un de l'autre à l'élection des membres de la Cour.

Article 9.

Dans toute élection, les électeurs auront en vue que les personnes appelées à faire partie de la Cour, non seulement réunissent individuellement les conditions requises, mais assurent dans l'ensemble la représentation des grandes formes de civilisation et des principaux systèmes juridiques du monde.

Article 10.

(1) Sont élus ceux qui ont réuni la majorité absolue des voix dans l'Assemblée générale et dans le Conseil de Sécurité.

(2) Au cas où le double scrutin de l'Assemblée générale et du Conseil de Sécurité se porterait sur plus d'un ressortissant du même Etat ou Membre des Nations Unies, le plus âgé est seul élu.

Article 11.

Si, après la première séance d'élection, il reste encore des sièges à pourvoir, il est procédé, de la même manière, à une seconde et, s'il est nécessaire, à une troisième.

Article 12.

(1) Si, après la troisième séance d'élection, il reste encore des sièges à pourvoir, il peut être à tout moment formé sur la demande, soit de l'Assemblée générale, soit du Conseil de Sécurité, une Commission médiatrice de six membres, nommés trois par l'Assemblée générale, trois par le Conseil de Sécurité, en vue de choisir pour chaque siège non pourvu un nom à présenter à l'adoption séparée de l'Assemblée générale et du Conseil de Sécurité.

(2) Peuvent être portées sur cette liste, à l'unanimité, toutes personnes satisfaisant aux conditions requises, alors même qu'elles n'auraient pas figuré sur la liste de présentation visée à l'article 7.

(3) Si la Commission médiatrice constate qu'elle ne peut réussir à assurer l'élection, les membres de la Cour déjà nommés pourvoient aux sièges vacants, dans un délai à fixer par le Conseil de Sécurité, en choisissant parmi les personnes qui ont obtenu des suffrages soit dans l'Assemblée générale, soit dans le Conseil de Sécurité.

(4) Si parmi les juges il y a partage égal des voix, la voix du juge le plus âgé l'emporte.

Article 13.

(1) Les membres de la Cour sont élus pour neuf ans ils sont rééligibles; toutefois, en ce qui concerne les juges nommés à la première élection de la Cour, les fonctions de cinq juges prendront fin au bout de trois ans, et celles de cinq autres juges prendront fin au bout de six ans.

(2) Les juges dont les fonctions prendront fin au terme des périodes initiales de trois et six ans mentionnées ci-dessus seront désignés par tirage au sort effectué par le Secrétaire général des Nations Unies, immédiatement après qu'il aura été procédé à la première élection.

(3) Les membres de la Cour restent en fonction jusqu'à leur remplacement. Après ce remplacement, ils continuent de connaître des affaires dont ils sont déjà saisis.

(4) En cas de démission d'un membre de la Cour, la démission sera adressée au Président de la Cour, pour être transmise au Secrétaire général des Nations Unies. Cette dernière notification emporte vacance du siège.

Article 14.

Il est pourvu aux sièges devenus vacants selon la méthode suivie pour la première élection, sous réserve de la disposition ci-après: dans le mois qui suivra la vacance, le Secrétaire général des Nations Unies procédera à l'invitation prescrite par l'article 5, et la date d'élection sera fixée par le Conseil de Sécurité.

Article 15.

Le membre de la Cour élu en remplacement d'un membre dont le mandat n'est pas expiré achève le terme du mandat de son prédécesseur.

Article 16.

(1) Les membres de la Cour ne peuvent exercer aucune fonction politique ou administrative, ni se livrer à aucune autre occupation de caractère professionnel.

(2) En cas de doute, la Cour décide.

Article 17.

(1) Les membres de la Cour ne peuvent exercer les fonctions d'agent, de conseil ou d'avocat dans aucune affaire.

(2) Ils ne peuvent participer au règlement d'aucune affaire dans laquelle ils sont antérieurement intervenus comme agents, conseils ou avocats de l'une des parties, membres d'un tribunal national ou international, d'une commission d'enquête, ou à tout autre titre.

(3) En cas de doute, la Cour décide.

Article 18.

(1) Les membres de la Cour ne peuvent être relevés de leurs fonctions que si, au jugement unanime des autres membres, ils ont cessé de répondre aux conditions requises.

(2) Le Secrétaire général des Nations Unies en est officiellement informé par le Greffier.

(3) Cette communication emporte vacance de siège.

Article 19.

Les membres de la Cour jouissent dans l'exercice de leurs fonctions des privilèges et immunités diplomatiques.

[Sous réserve d'examen après que des dispositions à ce sujet auront été adoptées pour inclusion dans la Charte.]

Article 20.

Tout membre de la Cour doit, avant d'entrer en fonction, en séance publique, prendre engagement solennel d'exercer ses attributions en pleine impartialité et en toute conscience.

Article 21.

(1) La Cour élit, pour trois ans, son Président et son Vice-Président; ils sont rééligibles.

(2) Elle nomme son greffier et peut pourvoir à la nomination de tels autres fonctionnaires qui seraient nécessaires.

Article 22.

(1) Le siège de la Cour est fixé à La Haye. Ceci, toutefois, n'empêchera pas la Cour de siéger et d'exercer ses fonctions ailleurs lorsqu'elle le jugera désirable,

(2) Le Président et le Greffier résident au siège de la Cour.

Article 23.

(1) La Cour reste toujours en fonction, excepté pendant les vacances judiciaires, dont les périodes et la durée sont fixées par la Cour.

(2) Les membres de la Cour ont droit à des congés périodiques dont la date et la durée seront fixées par la Cour, en tenant compte de la distance qui sépare La Haye de leurs foyers.

(3) Les membres de la Cour sont tenus, a moins de congé régulier, d'empêchement pour cause de maladie ou autre motif grave dûment justifié auprès du Président, d'être à tout moment à la disposition de la Cour.

Article 24.

(1) Si, pour une raison spéciale, l'un des membres de la Cour estime devoir ne pas participer au jugement d'une affaire déterminée, il en fait part au Président.

(2) Si le Président estime qu'un des membres de la Cour ne doit pas, pour une raison spéciale, siéger dans une affaire déterminée, il en avertit celui-ci.

(3) Si, en pareils cas, le membre de la Cour et le Président sont en désaccord, la Cour décide.

Article 25.

(1) Sauf exception expressément prévue, la Cour exerce ses attributions en séance plénière.

(2) Sous la condition que le nombre des juges disponibles pour constituer la Cour ne soit pas réduit à moins de onze, le Règlement de la Cour pourra prévoir que, selon les circonstances et à tour de rôle, un ou plusieurs juges pourront être dispensés de siéger.

(3) Toutefois, le quorum de neuf est suffisant pour constituer la Cour.

Article 26.

(1) La Cour peut, à toute époque, constituer une ou plusieurs chambres composées de 3 juges au moins selon ce qu'elle décidera, pour connaître de catégories déterminées d'affaires, par exemple d'affaires de travail et d'affaires concernant le transit et les communications.

(2) La Cour peut, à toute époque, constituer une chambre pour connaître d'une affaire déterminée. Le nombre des juges de cette chambre sera fixé par la Cour avec l'assentiment des parties.

(3) Les chambres prévues au présent article statueront, si les parties le demandent.

Article 27.

Tout arrêt rendu par l'une des chambres prévues aux articles 26 et 29 sera un arrêt de la Cour.

Article 28.

Les chambres prévues aux articles 26 et 29 peuvent, avec le consentement des parties, siéger et exercer leurs fonctions ailleurs qu'à La Haye.

Article 29.

En vue de la prompte expédition des affaires, la Cour compose annuellement une Chambre de cinq juges, appelés à statuer en procédure sommaire lorsque les parties le demandent. Deux juges seront, en outre, désignés, pour remplacer celui des juges qui se trouverait dans l'impossibilité de siéger.

Article 30.

(1) La Cour détermine par un règlement le mode suivant lequel elle exerce ses attributions. Elle règle notamment sa procédure.

(2) Le Règlement de la Cour peut prévoir des assesseurs siégeant à la Cour ou dans ses chambres, sans droit de vote.

Article 31.

(1) Les juges de la nationalité de chacune des parties en cause conservent le droit de siéger dans l'affaire dont la Cour est saisie.