VI. The International Court of Justice

A. PROVISIONS OF THE CHARTER OF THE UNITED NATIONS

The International Court of Justice is the principal judicial organ of the United Nations. It functions in accordance with its Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the Charter.

All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.

A State which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendations of the Security Council.

Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems such action necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Nothing in the Charter is to prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

B. PROVISIONS OF THE STATUTE OF THE COURT

1. ORGANIZATION OF THE COURT

The Court is composed of fifteen members, no two of whom may be nationals of the same State and who are to be "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."

Candidates for membership of the Court are nominated by the "national groups" in the Permanent Court of Arbitration. The Secretary-General of the United Nations draws up to the Conventions may name not more than four persons to be members of the panel. The persons thus appointed constitute "national groups" which compose the panel of the Permanent Court of Arbitration. These "national groups" had been designated to nominate the judges of the Permanent Court of International Justice established in 1920 in conjunction with the League of Nations. Under the Statute of the International Court of Justice they are likewise to nominate the judges of this Court, which supersedes the Permanent Court of International Justice. Members of the United Nations which are not members of the Permanent Court of Arbitration are to appoint national groups for the purpose of nominating the members of the International Court of Justice in the same manner as the national groups of the Permanent Court of Arbitration are appointed.

1 This and the following section provide a summary of the provisions of the Charter relating to the International Court of Justice and of the Statute of the Court. Chapter XIV of the Charter defines the position of the Court in the United Nations organization, the obligations of Members of the United Nations with respect to the Court and the relationship between the Court and the other organs of the United Nations. The Statute of the Court is divided into five chapters. Chapter I deals with the organization of the Court. Chapter II defines the competence of the Court, Chapter III sets forth the procedure of the Court, Chapter IV lays down the conditions under which the Court may give advisory opinions and Chapter V contains provisions for amendments to the Statute.

The Permanent Court of Arbitration established under Conventions of 1899 and 1907 consists of a panel of arbitrators from which members are chosen to hear any one case. Each State party
a list of candidates thus nominated. From this list the General Assembly and the Security Council, voting independently, elect the Members of the Court, an absolute majority in both the Assembly and the Council being required for election.

The members of the Court are elected for nine years and may be re-elected. However, the terms of five judges elected at the first election expire at the end of three years and the terms of five more judges at the end of six years.

The Court elects its own President and Vice-President for three years; they may be re-elected. It appoints its Registrar and such other officers as may be necessary.

The seat of the Court is at The Hague, but this does not prevent the Court from exercising its functions elsewhere whenever the Court considers it desirable. The President and the Registrar reside at the seat of the Court.

The Court remains permanently in session except during judicial vacations. A quorum of nine judges suffices to constitute it.

From time to time the Court may establish one or more chambers of three or more judges which may deal with particular categories of cases,—for example, labor cases and cases relating to transit and communications. The Court forms annually a chamber of five members which may hear and determine cases by summary procedure.

Judges of the same nationality as a party to a case retain their right to sit in the case before the Court. If the Court includes on the bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. If the Court includes upon the bench no judge of the nationality of the parties, each of the parties may choose a judge to sit in the case before the Court.

2. COMPETENCE OF THE COURT

Only States may be parties in cases before the Court.

The Court is open to States parties to its Statute. The conditions under which the Court shall be open to other States are to be laid down by the Security Council.¹

The jurisdiction of the Court comprises all cases which the parties refer to it and all matters especially provided for in the Charter of the United Nations or in treaties and conventions in force. To preserve continuity with the work of the Permanent Court of International Justice the Statute further stipulates that whenever a treaty or convention in force provides for reference of a matter to the Permanent Court of International Justice, the matter shall be referred to the International Court of Justice.

The States parties to the 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 international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

These declarations may be made (1) unconditionally, (2) on condition of reciprocity on the part of several or certain States, (3) for a certain time.

The Statute of the Permanent Court of International Justice had provided for similar declarations of acceptance of compulsory jurisdiction. The Statute of the International Court of Justice provides that any declarations made under the Statute of the Permanent Court of International Justice, which is still in force, shall be deemed to be acceptance of the compulsory jurisdiction of the International Court of Justice for the period for which they still have to run.

Fifty-six nations had accepted compulsory jurisdiction of the Permanent Court in some form. Sixteen of these acceptances are still in force and are, under the terms of its Statute, transferred to the International Court of Justice. Since the Statute has come into force, China, Denmark, France, Guatemala, the Netherlands, Norway, Sweden, Turkey and the United States have accepted compulsory jurisdiction of the International Court of Justice.²

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

(a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting States;

¹ See pp. 410, 411.
² France made a declaration but has not yet ratified it.
³ See Annex II.
The International Court of Justice

(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.

The Court may decide a case ex-oequo et bono, if the parties agree to this.

3. PROCEDURE OF THE COURT

French and English are the official languages of the International Court of Justice, but any party which so requests is to be authorized to use another language.

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

The Court has the power to indicate any provisional measures which it considers ought to be taken to preserve the respective rights of either party.

Unless otherwise demanded by the parties, hearings in the Court are to be public. Deliberations of the Court take place in private and remain secret.

All questions before the Court are decided by a majority of judges present. In the event of an equality of votes the President has a casting vote. The judgment is to state the reasons on which it is based and contain the names of the judges who have taken part in the decision. If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to deliver a separate opinion.

Decisions of the Court have no binding force except between the parties and in respect of any particular case. The judgment of the Court is final and without appeal. 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."

In the exercise of its advisory jurisdiction the Court is to be guided by the provisions of the Court applying to contentious cases.

4. AMENDMENT OF THE STATUTE

The Statute of the International Court of Justice can be amended by the same procedure as that used in amending the Charter of the United Nations, 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. The Court may propose such amendments as it deems necessary through written communications to the Secretary-General of the United Nations.

C. ESTABLISHMENT OF THE COURT

The Statute of the International Court of Justice provides that invitations for nominations of candidates must be issued at least three months before elections take place. As the Secretary-General of the United Nations, whose function it is, under Article 5 of the Statute of the Court, to issue the invitations, would not be appointed until the first session of the General Assembly, the Governments which signed the Interim Arrangements at San Francisco agreed that the Preparatory Commission was to issue the invitations. In this way it was made possible to elect the judges of the International Court at the first session of the General Assembly.

Invitations were issued on September 12, 1945, on the instructions of the Executive Committee of the Preparatory Commission, and January 10, 1946, was fixed as the final date for receiving nominations. On January 12, 1946, immediately following the opening meeting of the General Assembly, a list of the candidates nominated for election was submitted to the Assembly and to the Security Council by the Executive Secretary and on February 6 the elections took place.

The judges elected were as follows:

Nine-year Term
Alejandro Alvarez (Chile)
José Philadelpho de Barros Azevedo (Brazil)
Jules Basdevant (France)
José Gustavo Guerrero (El Salvador)
Sir Arnold Duncan McNair (United Kingdom)
Six-year Term
Isidro Fabela Alfaro (Mexico)
Green H. Hackworth (U. S. A.)
Helge Klaestad (Norway)
Sergei Borisovich Krylov (U.S.S.R.)
Charles de Visscher (Belgium)

Three-year Term
Abdel Hamid Badawi Pasha (Egypt)
Hsu Mo (China)
John E. Read (Canada)
Bogdan Winiarski (Poland)
Milovan Zoricic' (Yugoslavia)

On February 10, 1946, the General Assembly adopted a resolution instructing the Secretary-General to take the necessary steps to summon a first meeting of the Court at The Hague as soon as could be arranged. The Secretary-General was to appoint a Secretary and other temporary officers to assist the Court during the period preceding the appointment by the Court of its Registrar and officers. The Secretary-General was also instructed to conduct preliminary negotiations with the Carnegie Foundation in order to fix the conditions on which the premises in the Peace Palace at The Hague could be placed at the Court's disposal.

On February 12, 1946, the General Assembly approved the setting up of a small negotiating committee to assist the Secretary-General in negotiating agreements for the use by the Court of the premises in the Peace Palace. Two agreements concluded accordingly by the Committee with the Carnegie Foundation were approved by the General Assembly on December 11, 1946.1

The first meeting of the Court was held on April 3, 1946. On April 6, 1946, the Court elected J. G. Guerrero President and J. Basdevant Vice-President. E. Hambro, who had previously been appointed Acting-Secretary of the Court by the Secretary-General and who had made arrangements for the first meeting of the Court, was chosen as Registrar. On April 18 the Court appointed J. Garnier-Coignet Deputy Registrar.

On April 18, 1946, the official inaugural sitting of the Court was held in the Great Hall of Justice in the Peace Palace. All judges were present with the exception of A. Alvarez (Chile), who was unable to reach the Hague in time. Each of the judges in turn made the solemn declaration, required under Article 20 of the Court's Statute, that he would exercise his powers impartially and conscientiously.

The Court continued to sit until May 6, 1946. On May 3 it formed the Chamber for Summary Procedure provided for in Article 29 of the Statute. The members elected were as follows: J. G. Guerrero, J. Basdevant, Sir Arnold McNair, S. B. Krylov and Hsu Mo. Isidore Fabela and Charles de Visscher were elected substitute members.

One of the first matters taken up by the Court was the preparation of its rules. The rules as adopted by the Court were based largely on the rules of the Permanent Court of International Justice. As the rules of the Permanent Court had been adopted as recently as 1936 and represented the outcome of experience gained, it was generally agreed that it was not necessary to undertake extensive amendment. Accordingly, the changes introduced were for the most part designed to bring the old rules into conformity with the Statute of the International Court of Justice in those respects in which it differed from the Statute of the Permanent Court.2

By a resolution of February 13, 1946, the General Assembly had invited the Court to consider the question of privileges and immunities necessary for the exercise of its functions, both in the country of its seat and elsewhere. Accordingly, the Court adopted a report recommending that Members of the United Nations grant to the judges and the Registrar diplomatic privileges and immunities. Other officials of the Court as well as agents, counsel and advocates of the parties, the Court recommended, should be granted such immunities and privileges as might be necessary for the independent exercise of their functions.

As to the privileges the Court was to enjoy in the Netherlands, the President of the Court, in an exchange of letters with the Netherlands Government of June 26, 1946, reached an agreement which was approved by the General Assembly by a resolution of December 11, 1946. In this resolution the Assembly further recommended to Member Governments that they grant to the judges and officials of the Court the privileges and immunities as suggested by the Court.3

1 See pp. 244 ff.
2 The text of the Rules of the Court appears on pp. 596 ff.
3 See pp. 241 ff.
The Court considered the question of staff regulations and instructions for the Registry. It decided to adopt provisionally the regulations and instructions which had been in force for the Permanent Court of International Justice.

By a resolution of February 6, 1946, the General Assembly fixed the salaries of the judges of the Court at 54,000 Netherland florins. The President receives a special allowance of 15,000 Netherland florins annually, and the Vice-President an allowance of 100 florins for every day on which he acts as President, up to a maximum of 10,000 florins. A request contained in a letter of April 13 from the President of the Court to the Secretary-General of the United Nations that the General Assembly fix the emoluments of the members of the Court in United States dollars instead of Netherland florins was subsequently withdrawn by the President of the Court.¹

On the basis of a report of the Court of April 11, 1946, the General Assembly by a resolution of December 11, 1946, directed that the salary of the Registrar of the International Court of Justice should be assimilated to that of a top-ranking director of the United Nations Secretariat and should accordingly be fixed at 29,150 Netherland florins. The difference between the salary recommended by the Court (35,000 florins) and the salary approved by the General Assembly (29,150 florins) is to be paid to the Registrar as a non-pensionable allowance.

After consultation between the Registrar of the Court and the Secretary-General of the United Nations, the Secretary-General drew up rules governing reimbursement of travel and subsistence expenses of members of the Court. These rules were approved by the General Assembly on December 11, 1946.²

By a resolution of February 6, 1946, the General Assembly instructed the Secretary-General to develop a pension plan for the judges, Registrar and staff of the Court. Taking into consideration the views expressed by the Registrar of the Court in a memorandum of June 13, 1946, a working party established by the Secretary-General drew up a pension scheme for the judges and the staff of the International Court of Justice which the General Assembly approved on December 11, 1946.³

The Court adopted its budget for 1946 and 1947 and on the proposal of the Registrar approved the appointment of a certain number of officials to the Registry.

By letter of May 1, 1946, addressed to the Secretary-General, the President of the Court requested that the Court be informed of any decision the Security Council might take regarding access to the Court of States not parties to the Statute. At its 76th meeting on October 15, 1946, the Security Council on the recommendation of its Committee of Experts, resolved that the International Court of Justice should be open to a State not a party to the Court's Statute if such a State accepted the jurisdiction of the Court in accordance with the Charter of the United Nations and the Statute and Rules of the Court, and undertook to comply in good faith with the decisions of the Court.⁴

On October 26, 1946, the Secretary-General received a request from the Swiss Government that it be permitted to become a party to the Statute of the Court. On November 15, 1946, the Security Council, on the basis of a report of its Committee of Experts, recommended to the General Assembly that Switzerland should become a party to the Statute on the date of deposit with the Secretary-General of the United Nations of an instrument containing (a) acceptance of the provisions of the Statute of the Court, (b) acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter, and (c) an undertaking to contribute to the expenses of the Court. By a resolution of December 11, 1946, the General Assembly adopted the recommendations of the Security Council.⁵

On September 21, 1946, during its third session, the Economic and Social Council adopted a resolution recommending that the General Assembly authorize the Economic and Social Council to request the International Court of Justice to give an advisory opinion on any legal questions arising within the scope of its activities. The General Assembly granted this authorization by a resolution of December 11, 1946.

¹ See pp. 98, 99.
² See pp. 238.
³ See pp. 239 ff.
⁴ See pp. 410, 411.
⁵ See pp. 411, 12.
D. CORFU CHANNEL DISPUTE

The Security Council on April 9, 1947, recommended that the United Kingdom and the Albanian Governments should immediately refer their dispute over the damaging of two British warships in the Corfu Channel to the International Court of Justice in accordance with the Statute of the Court.  

It was announced on May 23, 1947, that the Government of the United Kingdom had filed its application against the Albanian People's Republic in the Corfu Channel case with the International Court of Justice. Notification of the filing of the case was received by the Secretary-General in accordance with Article 40, paragraph 3, of the Statute of the International Court, which provides that the Registrar of the Court shall notify the members of the United Nations through the Secretary-General of any cases filed with the Court.

ANNEX I.

RULES OF COURT
(Adopted on May 6, 1946)

PREAMBLE

The Court,
Having regard to Chapter XIV of the Charter of the United Nations;
Having regard to the Statute of the Court annexed thereto;
Acting in pursuance of Article 30 of the Statute;
Makes the present Rules:

HEADING I.
CONSTITUTION AND WORKING OF THE COURT

Section I. — Constitution of the Court

Judges and Assessors

Article 1

The term of office of members of the Court elected in February 1946, begins to run on the date of their election. In the case of members of the Court elected later, the term of office shall begin to run on the date of the expiry of the term of their predecessors. Nevertheless, in the case of a member elected to fill an occasional vacancy, the term of office shall begin to run on the date of the election.

Article 2

1. Members of the Court elected during the same session of the General Assembly of the United Nations shall take precedence according to seniority of age. Members elected during an earlier session shall take precedence over members elected at a subsequent session. A member of the Court who is re-elected without interval, shall retain his former precedence. Judges chosen under Article 31 of the Statute from outside the Court shall take precedence after the other judges in order of seniority of age.

2. The Vice-President shall take his seat on the right of the President. The other judges shall take their seats on the left and right of the President in the order laid down above.

Article 3

1. Any State which considers that it possesses and which intends to exercise the right to choose a judge under Article 31 of the Statute shall so notify the Registry within the time-limit fixed for the filing of the Memorial or Counter-Memorial, as the case may be, or, when it is a case of summary procedure, the filing of the corresponding pleading. The name of the person chosen to sit as judge shall be stated either at the time of giving the notification above-mentioned or within a time-limit to be fixed by the President. These notifications shall be communicated to the other parties and they may submit their views to the Court with a time-limit to be fixed by the President. If any doubt or objection should arise, the decision shall rest with the Court, if necessary after hearing the parties.

2. If, on receipt of one or more notifications under the terms of the preceding paragraph, the Court finds that there are several parties in the same interest and that none of them has a judge of its nationality upon the Bench, it shall fix a time-limit within which these parties, acting in concert, may choose a judge under Article 31 of the Statute. If, at the expiration of this time-limit, they have not notified their choice, the Court shall nevertheless proceed to examine and adjudicate upon the case.

Article 4

Where one or more of the parties are entitled to choose a judge under Article 31 of the Statute, the Court may sit with a number of judges exceeding the number of members of the Court fixed by the Statute.

Article 5

1. The declaration to be made by every judge in accordance with Article 20 of the Statute shall be as follows:

1 See pp. 392 ff.
"I solemnly swear that I will perform my duties and exercise my powers as judge honourably, faithfully, impartially and conscientiously."

2. This declaration shall be made at the first public sitting of the Court at which the judge is present after his election or after being chosen under Article 31 of the Statute.

Article 6
For the purpose of applying Article 18 of the Statute the President, or if necessary, the Vice-President, shall convene the members of the Court. The member affected shall be allowed to furnish explanations. When he has done so the question shall be discussed and a vote shall be taken, the member affected not being present. If the members present are unanimous, the Registrar shall issue the notification prescribed in the above-mentioned Article.

Article 7
1. The Court may, either upon its own initiative or upon the request of a party made not later than the end of the written proceedings, decide, for the purpose of a particular case, to appoint assessors to sit with it but without the power to vote.
2. When the Court so decides, the President shall take steps to obtain all the information relevant to the choice of the assessors.
3. The assessors shall be appointed, by secret ballot and by an absolute majority of votes, at a private meeting of the Court.
4. The same functions shall belong to the Chamber provided for by Article 29 of the Statute and to its President, and may be exercised in the same manner.

Article 8
Before entering upon their duties, assessors shall make the following declaration at a public sitting:

"I solemnly declare that I will perform my duties as an assessor honourably, faithfully, impartially and conscientiously, and that I will scrupulously observe all the provisions of the Statute and of the Rules of the Court."

The Presidency
Article 9
1. The Court shall proceed to elect the President and the Vice-President in the course of the month following the date on which the judges elected at the periodic election of members of the Court enter upon their duties. The President and Vice-President thus elected shall take up their duties forthwith. If, at the periodic election, the President is not re-elected a member of the Court, the duties of President shall in the meantime be discharged in accordance with Article II and Article 12, paragraph 2, of these Rules.
2. If the President or the Vice-President should cease to be a member of the Court or should resign the office of President or Vice-President before the expiry of his normal term, an election shall be held for the purpose of appointing a successor for the unexpired portion of the term.
3. The elections referred to in the present Article shall take place by secret ballot. The member of the Court obtaining an absolute majority of votes shall be declared elected.

Article 10
The President shall direct the work and administration of the Court; he shall preside at the meetings of the Court.

Article 11
The Vice-President shall take the place of the President if the latter is unable to fulfil his duties or if the office of President is vacant.

Article 12
1. Provision shall be made to ensure at the seat of the Court the continuous discharge of the duties of the office of President either by the President or the Vice-President.
2. If at the same time both the President and the Vice-President are unable to fulfil their duties, or if both offices are vacant at the same time, the duties of President shall be discharged by the oldest among the members of the Court who have been longest on the Bench.

Article 13
1. If the President is a national of one of the parties to a case brought before the Court, he will abstain from exercising his functions as President in respect of that case. The same rule applies to the Vice-President or to any member of the Court who may be called on to act as President.
2. If a case is begun before a periodic election of members of the Court and continues after such election, the duties of President shall be discharged by the member of the Court who presided when the case was last under examination. If he is unable to sit, the duties of President shall be performed by the newly elected Vice-President, provided that the President or the Vice-President, as the case may be, is qualified to sit in the case. If neither is able to sit, the duties of President shall be performed by the oldest among the members of the Court who have been longest on the Bench.

The Registry
Article 14
1. The Court shall select its Registrar from amongst candidates proposed by members of the Court. The members of the Court shall receive adequate notice of the date on which the list of candidates will be closed so as to enable nominations and information concerning the nationals of distant countries to be received in sufficient time.
2. Nominations must give the necessary particulars regarding the candidates' age, nationality, university qualifications and linguistic
attainments, their present occupation, their practical legal experience and their experience in diplomacy and in the work of international organizations.

3. The election shall be by secret ballot and by an absolute majority of votes.

4. The Registrar shall be elected for a term of seven years. He may be re-elected.

5. If the Registrar should cease to hold his office before the expiration of the term above-mentioned, an election shall be held for the purpose of appointing a successor. Such election shall be for a term of seven years.

6. The Court shall appoint a Deputy-Registrar to assist the Registrar, to act as Registrar in his absence and, in the event of his ceasing to hold the office, to perform the duties until a new Registrar shall have been appointed. The Deputy-Registrar shall be appointed under the same conditions and in the same way as the Registrar.

Article 15
1. Before taking up his duties, the Registrar shall make the following declaration at a meeting of the Court:

"I solemnly declare that I will perform the duties incumbent upon me as Registrar of the International Court of Justice in all loyalty, discretion and good conscience."

2. The Deputy-Registrar shall make a similar declaration in the same circumstances.

Article 16
The Registrar is entitled to two months' holiday in each year.

Article 17
1. The officials of the Registry, other than the Deputy-Registrar, shall be appointed by the Court on proposals submitted by the Registrar.

2. Before taking up his duties, each official shall make the following declaration before the President, the Registrar being present:

"I solemnly declare that I will perform the duties incumbent upon me as an official of the International Court of Justice in all loyalty, discretion and good conscience."

Article 18
1. The Court shall prescribe and, when necessary, modify the plan of the organization of the Registry and for this purpose shall request the Registrar to make proposals.

2. The Regulations for the staff of the Registry shall be drawn up having regard to the plan of the organization prescribed by the Court and to the provisions of the Regulations for the staff of the Secretariat of the United Nations to which they shall, as far as possible, conform. Their adoption by the President on the proposal of the Registrar is subject to subsequent approval by the Court.

Article 19
If neither the Registrar nor the Deputy-Registrar can be present or if both these offices are vacant at the same time, the President shall appoint an official of the Registry to act as a substitute for the Registrar for such time as may be necessary.

Article 20
1. The General List of cases submitted to the Court for decision or for advisory opinion shall be prepared and kept up to date by the Registrar on the instructions and subject to the authority of the President. Cases shall be entered in the list and numbered successively according to the date of the receipt of the document bringing the case before the Court.

2. The General List shall contain the following headings:

I. Number in list.
II. Short title.
III. Date of registration.
IV. Registration number.
V. File number in the archives.
VI. Class of case (contentious procedure or advisory opinion).
VII. Parties.
VIII. Interventions.
IX. Method of submission.
X. Date of document instituting proceedings.
XI. Time-limits for filing pleadings.
XII. Prolongation, if any, of time-limits.
XIII. Date of closure of the written proceedings.
XIV. Postponements.
XV. Date of the beginning of the hearing (date of the first public sitting).
XVI. Observations.
XVII. References to earlier or subsequent cases.
XVIII. Result (nature and date).
XIX. Removal from the list (cause and date).
XX. References to publications of the Court relating to the case.

3. The General List shall also contain a space for notes, if any, and spaces for the inscription, above the initials of the President and of the Registrar, of the dates of the entry of the case, of its result, or of its removal from the list, as the case may be.

Article 21
1. The Registrar shall be the regular channel for communications to and from the Court.

2. The Registrar shall ensure that the date of despatch and receipt of all communications and notifications may be readily verified. Communications addressed to the agents of the parties shall be considered as having been addressed to the parties themselves. The date of receipt shall be noted on all documents received.
by the Registrar, and a receipt bearing this
date and the number under which the document
has been registered shall be given to the sender.

3. The Registrar shall, subject to the obliga-
tions of secrecy attaching to his official duties,
reply to all enquiries concerning the work of
the Court, including enquiries from the Press.

4. The Registrar shall publish in the Press
all necessary information as to the date and
time fixed for public sittings.

5. The Registrar shall communicate to the
government of the country in which the Court,
or a Chamber dealing with a case, is sitting,
the names, first names and description of the
agents, counsel and advocates appointed by
each of the parties for the purposes of the case.

Article 22
A collection of the judgments and advisory
opinions of the Court, and also of such orders
as the Court may decide to include therein,
shall be printed and published under the re-
sponsibility of the Registrar.

Article 28
1. The Registrar shall be responsible for the
archives, the accounts and all administrative
work. He shall have the custody of the seals
and stamps of the Court. The Registrar or his
substitute shall be present at all sittings of the
Court and at sittings of the Chambers. The
Registrar shall be responsible for drawing up
the minutes of the meetings.
2. He shall undertake, in addition, all duties
which may be laid upon him by these Rules.
3. Instructions for the Registry shall be
approved by the Registrar and approved by
the President.

The Chambers
Article 24
1. When the Court decides to form one or
more of the Chambers provided for in Article
26, paragraph 1, of the Statute, it shall deter-
mine the particular category of cases for which
each Chamber is formed, its composition, the
period for which its members will serve, and
the date at which they will enter upon their
duties. The Court may in the same way change
its competence, its composition, or the method
of renewing its membership, or decide upon its
dissolution.

2. The Presidents and, the members of the
Chambers provided for in Article 26, para-
graphs 1 and 2, and Article 29 of the Statute,
shall be elected by the Court, by secret ballot,
and by an absolute majority of votes.

3. The public holidays which are customary
at the place where the Court is sitting will be
observed by the Court.

Article 25
1. Any member of the Court who desires to
obtain leave in pursuance of Article 23, para-
graph 2, of the Statute, shall send his request
to the Registry. The Court shall consider the
request, and the date and the duration of the
leave which it grants to a judge shall be fixed
having regard to what is required to ensure its
proper working and to the distance between
the Hague and his home.

2. The number of members of the Court on
leave at the same time must not exceed two.
The President and the Vice-President must
not both be absent on leave at the same time.

Article 27
Members of the Court who are prevented by
illness or other serious reasons from attending
a sitting of the Court to which they have been
summoned by the President, shall notify the
President who will inform the Court.
Article 28

1. The date and hour of sittings of the Court shall be fixed by the President.

2. The President of the Court shall fix the date for the convening of any Chamber referred to in Articles 26 and 29 of the Statute. The date and hour of the sittings of such Chamber shall be fixed by the President of the Chamber.

3. The Court, or if it is not sitting the President, may fix the place, other than The Hague, where one of the Chambers provided for by Articles 26 and 29 of the Statute shall sit and exercise its functions.

Article 29

If a sitting of the Court has been convened and it is found that there is no quorum, the President shall adjourn the sitting until a quorum has been obtained. Judges chosen under Article 31 of the Statute shall not be taken into account for the calculation of the quorum.

Article 30

1. The Court shall sit in private to deliberate upon disputes which are submitted to it and upon advisory opinions which it is asked to give.

2. Only the judges, and the assessors, if any, shall take part in the deliberations. The Registrar or his substitute shall be present. No other person shall be admitted except in pursuance of a special decision taken by the Court.

3. Every judge who is present at the deliberations shall state his opinion together with the reasons on which it is based.

4. Any judge may request that a question which is to be voted upon shall be drawn up in precise terms in both the official languages and distributed to the Court. Effect shall be given to any such request.

5. The decision of the Court shall be based upon the conclusions concurred in after final discussion by a majority of the judges. The judges shall vote in the order inverse to the order laid down by Article 2 of these Rules.

6. No detailed minutes shall be prepared of the private meetings of the Court for deliberation upon judgments or advisory opinions; the minutes of these meetings are to be considered as confidential and shall record only the subject of the debates, the votes taken, the names of those voting for and against a motion and statements expressly made for insertion in the minutes.

7. Unless otherwise decided by the Court, paragraphs 2, 4 and 5 of this Article shall apply to deliberations by the Court in private upon any administrative matter.

HEADING II. CONTENTIOUS PROCEEDINGS

Article 81

The rules contained in Sections 1, 2 and 4 of this Heading shall not preclude the adoption by the Court of particular modifications or additions proposed jointly by the parties and considered by the Court to be appropriate to the case and in the circumstances.

Section I. — Procedure Before the Full Court

I. General Rules

Institution of Proceedings

Article 32

1. When a case is brought before the Court by means of a special agreement, Article 40, paragraph 1, of the Statute shall apply.

2. When a case is brought before the Court by means of an application, the application must, as laid down in Article 40, paragraph 1, of the Statute, indicate the party making it, the party against whom the claim is brought and the subject of the dispute. It must also, as far as possible, specify the provision on which the applicant founds the jurisdiction of the Court, state the precise nature of the claim and give a succinct statement of the facts and grounds on which the claim is based, these facts and grounds being developed in the Memorial, to which the evidence will be annexed.

3. The original of an application shall be signed either by the agent of the party submitting it or by the diplomatic representative of that party at the seat of the Court or by a duly authorized person. If the document bears the signature of a person other than the diplomatic representative of that party at the seat of the Court, the signature must be legalized by this diplomatic representative or by the competent authority of the government concerned.

Article 33

1. When a case is brought before the Court by means of an application, the Registrar shall forthwith transmit to the party against whom the claim is made a copy of the application certified as correct.

2. When a case is brought before the Court by means of a special agreement filed by one only of the parties, the Registrar shall forthwith notify the other party that it has been so filed.

Article 34

1. The Registrar shall forthwith transmit to all the members of the Court copies of special agreements or applications submitting a case to the Court.

On May 6th, 1946, the Court took note of the Resolution of the Permanent Court of International Justice regarding that Court's judicial practice adopted on February 20th, 1931, and revised on March 17th, 1936. (See Publications of the Permanent Court of International Justice: Acts and Documents concerning the Organization of the Court; Series D., No. 1, Fourth edition, April 1940, p. 62.) It decided to adopt provisionally the method of deliberation described in that Resolution.
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2. He shall also transmit copies: (a) to Members of the United Nations through the Secretary-General and (6), by means of special arrangements made for this purpose between them and the Registrar, to any other States entitled to appear before the Court.

Article 35

1. When a case is brought before the Court by means of a special agreement, the appointment of the agent or agents of the party or parties filing the special agreement shall be notified at the same time as the special agreement is filed. If the special agreement is filed by one only of the parties, the other party shall, when acknowledging receipt of the notification of the filing of the special agreement or failing this, as soon as possible, inform the Court of the name of its agent.

2. When a case is brought before the Court by means of an application, the application, or the covering letter, shall state the name of the agent of the applicant government.

3. The party against whom the application is made and to whom it is notified shall, when acknowledging receipt of the notification, or failing this, as soon as possible, inform the Court of the name of its agent.

4. Applications to intervene under Article 64 of these Rules, interventions under Article 66 and requests under Article 78 for the revision, of a judgment, shall similarly be accompanied by the appointment of an agent.

5. The appointment of an agent must be accompanied by a statement of an address for service at the seat of the Court to which all communications relating to the case should be sent.

Article 86

When a State which is not a party to the Statute is admitted by the Security Council, in pursuance of Article 35 of the Statute, to appear before the Court, it shall satisfy the Court that it has complied with any conditions that may have been prescribed for its admission: the document which evidences this compliance shall be filed in the Registry at the same time as the notification of the appointment of the agent.

Preliminary measures

Article 37

1. In every case submitted to the Court, the President will ascertain the views of the parties with regard to questions of procedure; for this purpose he may summon the agents to meet him as soon as they have been appointed.

2. In the light of the information obtained by the President, the Court will make the necessary orders to determine inter alia the number and the order of filing of the pleadings and the time-limits within which they must be filed.

3. So far as possible, in making an order under paragraph 2 of this Article, any agreement between the parties shall be taken into account.

4. The Court may extend any time-limit which has been fixed. It may also, in special circumstances and after giving the agent of the opposing party an opportunity of stating his views, decide that any step taken after the expiration of a time-limit shall be considered as valid.

5. If the Court is not sitting, its powers under this Article shall be exercised by the President but without prejudice to any subsequent decision of the Court.

Article 38

Time-limits shall be fixed by assigning definite dates for the completion of the various steps in the proceedings.

Written Proceedings

Article 39

1. If the parties agree that the proceedings shall be conducted wholly in French, or wholly in English, the pleadings shall be submitted only in the language adopted by the parties.

2. In the absence of an agreement with regard to the language to be used, the pleadings shall be submitted either in French or in English.

3. If in pursuance of Article 39, paragraph 3, of the Statute a language other than French or English is used, a translation into French or English shall be attached to the original of each document submitted.

4. The Registrar is under no obligation to make translations of the pleadings or any documents annexed thereto.

Article 40

1. The original of every pleading shall be signed by the agent and filed in the Registry. It shall be accompanied by a number of printed copies fixed by the President but without prejudice to an increase in that number should the need arise later.

2. When communicating a copy of a pleading to a party in pursuance of Article 43 of the Statute, the Registrar shall certify that it is a correct copy of the original filed in the Registry.

3. All pleadings shall be dated. When a pleading has to be filed by a certain date, it is the date of the receipt of the pleading in the Registry which will be regarded by the Court as the material date.

4. If the Registrar at the request of the agent of a party arranges for the printing, at the cost of that party, of a pleading which it is intended to file with the Court, the text must be sent to the Registry in sufficient time to enable the printed pleading to be filed before the expiry of any time-limit which may apply to it. The printing is done under the responsibility of the party in question.

1 The agents of the parties are requested to ascertain from the Registry the usual format of the pleadings.
5. The correction of a slip or error in any document which has been filed can be made at any time with the consent of the other party, or by leave of the President.

Article 41
1. If proceedings are instituted by means of a special agreement, the pleadings shall, subject to Article 37 of these Rules, be presented in the order stated below:
   a. Memorial, by each party within the same time-limit;
   b. Counter-Memorial, by each party within the same time-limit;
   c. Reply, by each party within the same time-limit.
2. If proceedings are instituted by means of an application, the pleadings shall, subject to Article 37 of these Rules, be presented in the order stated below:
   a. Memorial by the applicant;
   b. Counter-Memorial by the respondent;
   c. Reply by the applicant;
   d. Rejoinder by the respondent.

Article 42
1. A Memorial shall contain a statement of the relevant facts, a statement of law, and the submissions.
2. A Counter-Memorial shall contain an admission or denial of the facts stated in the Memorial; any additional facts, if necessary; observations concerning the statement of law in the Memorial; a statement of law in answer thereto; and the submissions.

Article 43
1. There must be annexed to every Memorial and Counter-Memorial and other pleadings, copies of all the relevant documents, a list of which shall be given after the submissions. If, on account of the length of a document, extracts only are attached, the document itself or a complete copy of it must, if possible, unless the document has been published and is available to the public, be communicated to the Registrar for the use of the Court and of the other party.
2. Every pleading and every document annexed which is in a language other than French or English, must be accompanied by a translation into one of the official languages of the Court. Nevertheless, in the case of lengthy documents, translations or extracts may be submitted, subject, however, to any subsequent decision by the Court, or, if it is not sitting, by the President.

Article 44
1. The Registrar shall transmit to the judges and to the parties copies of the pleadings and documents annexed in the case, as and when he receives them.
2. The Court, or the President if the Court is not sitting, may, after obtaining the views of the parties, decide that the Registrar shall in a particular case make the pleadings and annexed documents available to the government of any Member of the United Nations or of any State which is entitled to appear before the Court.
3. The Court, or the President if the Court is not sitting, may, with the consent of the parties, authorize the pleadings and annexed documents in regard to a particular case to be made accessible to the public before the termination of the case.

Article 45
Upon the closure of the written proceedings, the case is ready for hearings.

Article 46
1. Subject to the priority provided for by Article 61 of these Rules, cases submitted to the Court will be taken in the order in which they become ready for hearing. When several cases are ready for hearing, the order in which they will be taken is determined by the position which they occupy in the General List.
2. Nevertheless, the Court may, in special circumstances, decide to take a case in priority to other cases which are ready for hearing and which precede it in the General List.
3. If the parties to a case which is ready for hearing are agreed in asking for the case to be put after other cases which are ready for hearing and which follow it in the General List, the President may grant such a postponement: if the parties are not in agreement, the President shall decide whether or not to submit the question to the Court.

Oral Proceedings

Article 47
1. When a case is ready for hearing, the date for the commencement of the oral proceedings shall be fixed by the Court, or by the President if the Court is not sitting.
2. If occasion should arise, the Court or the President, if the Court is not sitting, may decide that the commencement or continuance of the hearings shall be postponed.

Article 48
1. After the closure of the written proceedings no further documents may be submitted to the Court by either party except with the consent of the other party or as provided in paragraph 2 of this Article. The party desiring to produce a new document shall file the original or a certified copy thereof in the Registry, which will be responsible for communicating it to the other party and will inform the Court. The other party shall be held to have given its consent if it does not lodge an objection to the production of the document.
2. Should the other party decline to consent to the production of a new document, the Court, after hearing the parties, may either permit or refuse to permit its production. If
the Court grants permission, the other party shall have an opportunity of commenting upon its comments.

Article 49
Without prejudice to the provisions of the Rules concerning the production of documents, each party shall communicate to the Registry, in sufficient time before the commencement of the oral proceedings, information regarding the evidence which it intends to produce or which it intends to request the Court to obtain. This communication shall contain a list of the surnames, first names, descriptions and places of residence of the witnesses and experts whom the party intends to call, with indications in general terms of the point or points to which their evidence will be directed.

Article 50
The Court shall determine whether the parties should present their arguments before or after the production of the evidence; the parties shall, however, retain the right to comment on the evidence given.

Article 51
The order in which the agents, counsel or advocates shall be called upon to speak shall be determined by the Court, unless there is an agreement between the parties on the subject.

Article 52
1. The Court may, during the hearing, put questions to the agents, counsel and advocates, and may ask them for explanations.
2. Each judge has a similar right to put questions, but before exercising it he should make his intention known to the President, who is made responsible by Article 45 of the Statute for the control of the hearing.
3. The agents, counsel and advocates shall be at liberty to answer immediately or at a later date.

Article 53
1. Witnesses and experts shall be examined by the agents, counsel or advocates of the parties under the control of the President. Questions may be put to them by the President and by the judges.
2. Each witness shall make the following declaration before giving his evidence in Court:

   "I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth."

3. Each expert shall make the following declaration before making his statement in Court:

   "I solemnly declare upon my honour and conscience that my statement will be in accordance with my sincere belief."

Article 54
The Court may request the parties to call witnesses or experts, or may call for the production of any other evidence on points of fact in regard to which the parties are not in agreement. If need be, the Court shall apply the provisions of Article 44 of the Statute.

Article 55
Witnesses or experts who appear at the instance of the Court shall be paid out of the funds of the Court.

Article 56
The Court, or the President if the Court is not sitting, shall, at the request of one of the parties or on its own initiative, take the necessary steps for the examination of witnesses or experts otherwise than before the Court itself.

Article 57
1. If the Court considers it necessary to arrange for an enquiry or an expert opinion, it shall, after duly hearing the parties, issue an order to this effect, defining the subject of the enquiry or expert opinion, and stating the number and mode of appointment of the persons to hold the enquiry or of the experts and the procedure to be followed.
2. Every report or record of an enquiry and every expert opinion shall be communicated to the parties.
3. At any stage in the proceedings before the termination of the hearing, the Court may, either proprio motu, or at the request of one of the parties communicated as provided in Article 49 of these Rules, request a public international organization, pursuant to Article 34 of the Statute, to furnish information relevant to a case before it. The Court shall decide whether such information shall be presented to it orally or in writing.
4. When a public international organization sees fit to furnish, on its own initiative, information relevant to a case before the Court, it shall do so in the form of a Memorial to be filed in the Registry before the closure of the written proceedings. The Court shall retain the right to require such information to be supplemented, either orally or in writing, in the form of answers to any questions which it may see fit to formulate, and also to authorize the parties to comment in writing on the information thus furnished.
5. In the circumstances contemplated by Article 34, paragraph 3, of the Statute, the Registrar, on the instructions of the Court, or of the President if the Court is not sitting, shall proceed as prescribed in that paragraph. The Court, or the President if the Court is not sitting, shall, as from the date on which the Registrar has communicated copies of the written proceedings, fix a time-limit within which the public international organization concerned may submit to the Court its observations in writing. These observations shall be communicated to the parties and may be discussed by them and by the representative of the said organization during the oral proceedings.
Article 58

1. In the absence of any decision to the contrary by the Court, or by the President if the Court is not sitting at the time when the decision has to be made, speeches or statements made before the Court in one of the official languages shall be translated into the other official language; the same rule shall apply in regard to questions and answers. The Registrar shall make the necessary arrangements for this purpose.

2. Whenever, in accordance with Article 39, paragraph 3, of the Statute, a language other than French or English is used, the necessary arrangements for translation into one of the two official languages shall be made by the party concerned: the evidence of witnesses and the statements of experts shall, however, be translated under the supervision of the Court. In the case of witnesses or experts who appear at the instance of the Court, arrangements for translation shall be made by the Registry.

3. The persons making the translations referred to in the preceding paragraph shall make the following declaration in Court:

"I solemnly declare upon my honour and conscience that my translation will be a complete and faithful rendering of what I am called upon to translate."

Article 59

1. The minutes mentioned in Article 47 of the Statute shall include:

the names of the judges present;
the names of the agents, counsel or advocates present;
the surnames, first names, description and residence of witnesses and experts heard;
a brief record of the evidence produced at the hearing;
declarations made on behalf of the parties;
a brief record of questions put to the parties by the President or by the judges;
any decisions delivered or announced by the Court during the hearing.

2. The minutes of public sittings shall be printed and published.

Article 60

1. At each hearing held by the Court, a shorthand note shall be made under the supervision of the Registrar of the oral proceedings, including the evidence taken, and shall be appended to the minutes referred to in Article 59 of the present Rules. This note, unless it is otherwise decided by the Court, shall contain any interpretations from one official language into the other made in Court by the interpreters.

2. A transcript of the evidence of each witness or expert shall be made available to him in order that mistakes may be corrected under the supervision of the Court.

3. A transcript of speeches or declarations made by agents, counsel or advocates shall be made available to them for correction or revision, under the supervision of the Court.

II. Occasional Rules

Interim Protection

Article 61

1. A request for the indication of interim measures of protection may be filed at any time during the proceedings in the case in connection with which it is made. The request shall specify the case to which it relates, the rights to be protected and the interim measures of which the indication is proposed.

2. A request for the indication of interim measures of protection shall have priority over all other cases. The decision thereon shall be treated as a matter of urgency.

3. If the Court is not sitting, the members shall be convened by the President forthwith. Pending the meeting of the Court and a decision by it, the President shall, if need be, take such measures as may appear to him necessary in order to enable the Court to give an effective decision.

4. The Court may indicate interim measures of protection other than those proposed in the request.

5. The rejection of a request for the indication of interim measures of protection shall not prevent the party which has made it from making a fresh request in the same case based on new facts.

6. The Court may indicate interim measures of protection proprio motu. If the Court is not sitting, the President may convene the members in order to submit to the Court the question whether it is expedient to indicate such measures.

7. The Court may at any time by reason of a change in the situation revoke or modify its decision indicating interim measures of protection.

8. The Court shall only indicate interim measures of protection after giving the parties an opportunity of presenting their observations on the subject. The same rule applies when the Court revokes or modifies a decision indicating such measures.

Preliminary Objections

Article 62

1. A preliminary objection must be filed by a party at the latest before the expiry of the time-limit fixed for the delivery of its first pleading.

2. The preliminary objection shall set out the facts and the law on which the objection is based, the submissions and a list of the documents in support; these documents shall be attached; it shall mention any evidence which the party may desire to produce.
3. Upon receipt by the Registrar of a preliminary objection filed by a party, the proceedings on the merits shall be suspended and the Court, or the President if the Court is not sitting, shall fix the time-limit within which the other party may present a written statement of its observations and submissions; documents in support shall be attached and evidence which it is proposed to produce shall be mentioned.

4. Unless otherwise decided by the Court, the further proceedings shall be oral.

5. After hearing the parties the Court shall give its decision on the objection or shall join the objection to the merits. If the Court overrules the objection or joins it to the merits, it shall once more fix time-limits for the further proceedings.

**Counter-claims**  
**Article 63**

When proceedings have been instituted by means of an application, a counter-claim may be presented in the submissions of the Counter-Memorial, provided that such counter-claim is directly connected with the subject-matter of the application and that it comes within the jurisdiction of the Court. In the event of doubt as to the connection between the question presented by way of counter-claim and the subject-matter of the application the Court shall, after due examination, direct whether or not the question thus presented shall be joined to the original proceedings.

**Intervention**  
**Article 64**

1. An application for permission to intervene under the terms of Article 62 of the Statute shall be filed in the Registry at latest before the commencement of the oral proceedings.

2. The application shall contain:
   - a description of the case;
   - a statement of law and of fact justifying intervention; and
   - a list of the documents in support of the application; these documents shall be attached.

3. The application shall be communicated to the parties, who shall send to the Registry their observations in writing within a time-limit to be fixed by the Court, or by the President, if the Court is not sitting.

4. The Registrar shall also transmit copies of the application for permission to intervene:
   - to Members of the United Nations through the Secretary-General and (b), by means of special arrangements made for this purpose between them and the Registrar, to any other States entitled to appear before the Court.

5. The application to intervene shall be placed on the agenda for a hearing, the date and hour of which shall be notified to all concerned. Nevertheless, if the parties have not, in their written observations, opposed the application to intervene, the Court may decide that there shall be no oral argument.

6. The Court will give its decision on the application in the form of a judgment.

**Article 65**

1. If the Court admits the intervention and if the party intervening expresses a desire to file a Memorial on the merits, the Court shall fix the time-limits within which the Memorial shall be filed and within which the other parties may reply by Counter-Memorials; the same course shall be followed in regard to the Reply and the Rejoinder. If the Court is not sitting, the time-limits shall be fixed by the President.

2. If the Court has not yet given its decision upon the intervention and the application to intervene is not opposed, the President, if the Court is not sitting, may, without prejudice to the decision of the Court on the question whether the application should be granted, fix the time-limits within which the intervening party may file a Memorial on the merits and the other parties may reply by Counter-Memorials.

3. In the cases referred to in the two preceding paragraphs, the time-limits shall, so far as possible, coincide with those already fixed in the case.

**Article 66**

1. A State which desires to avail itself of the right conferred upon it by Article 63 of the Statute shall file in the Registry a declaration to that effect. This declaration may be filed by a State even though it has not received the notification referred to in that Article.

2. Such declarations shall be communicated to the parties. If any objection or doubt should arise as to whether the intervention is admissible under Article 63 of the Statute, the decision shall rest with the Court.

3. The Registrar shall also transmit copies of the declarations: (a) to Members of the United Nations through the Secretary-General and (b), by means of special arrangements made for this purpose between them and the Registrar, to any other States entitled to appear before the Court.

4. The Registrar shall take the necessary steps to enable the intervening party to inspect the documents in the case in so far as they relate to the interpretation of the convention in question, and to submit its written observations thereon to the Court within a time-limit to be fixed by the Court or by the President if the Court is not sitting.

5. These observations shall be communicated to the other parties and may be discussed by them in the course of the oral proceedings; in these proceedings the intervening party shall take part.
Appeals to the Court

Article 67

1. When an appeal is made to the Court against a decision given by some other tribunal, the proceedings before the Court shall be governed by the provisions of the Statute and of these Rules.

2. If the document instituting the appeal must be filed within a certain limit of time, the date of the receipt of this document in the Registry will be taken by the Court as the material date.

3. The document instituting the appeal shall contain a precise statement of the grounds of the objections to the decision complained of, and these constitute the subject of the dispute referred to the Court.

4. A certified copy of the decision complained of shall be attached to the document instituting the appeal.

5. It is incumbent upon the parties to produce before the Court any useful and relevant material upon which the decision complained of was rendered.

Settlement and discontinuance

Article 68

If at any time before judgment has been delivered, the parties conclude an agreement as to the settlement of the dispute and so inform the Court in writing, or by mutual agreement inform the Court in writing that they are not going on with the proceedings, the Court, or the President if the Court is not sitting, shall make an order officially recording the conclusion of the settlement or the discontinuance of the proceedings; in either case the order shall direct the removal of the case from the list.

Article 69

1. If in the course of proceedings instituted by means of an application, the applicant informs the Court in writing that it is not going on with the proceedings, and if, at the date on which this communication is received by the Registry, the respondent has not yet taken any step in the proceedings, the Court, or the President if the Court is not sitting, shall make an order officially recording the discontinuance of the proceedings and directing the removal of the case from the list. A copy of this order shall be sent by the Registrar to the respondent.

2. If, at the time when the notice of discontinuance is received, the respondent has already taken some step in the proceedings, the Court, or the President if the Court is not sitting, shall fix a time-limit within which the respondent must state whether it opposes the discontinuance of the proceedings. If no objection is made to the discontinuance before the expiration of the time-limit, acquiescence will be presumed and the Court, or the President if the Court is not sitting, will make an order officially recording the discontinuance of the proceedings and directing the removal of the case from the list. If objection is made, the proceedings shall continue.

Section 2 — Procedure Before the Chambers

Article 70

Procedural before the Chambers mentioned in Articles 26 and 29 of the Statute shall, subject to the provisions of the Statute and of these Rules relating to the Chambers and to any special rules which the Court may make, be governed by the provisions relating to procedure before the Court.

Article 71

1. When it is desired that a case should be dealt with by one of the Chambers which has been formed in pursuance of Article 26, paragraph 1, or Article 29 of the Statute, a request to this effect should either be made in the document instituting the proceedings or accompany it. Effect will be given to the request if the parties are in agreement.

2. Upon receipt by the Registry of this request, the President of the Court shall communicate it to the member or the Chamber concerned. He shall take such steps as may be necessary to give effect to the provisions of Article 31, paragraph 4, of the Statute.

3. A request for the formation of a Chamber to deal with a particular case as provided for in Article 26, paragraph 2, of the Statute, can be filed at any moment until the closure of the written proceedings. Upon receipt of such a request by the Registry, the President shall ascertain whether the other parties assents. When both parties have assented, the President shall ascertain the views of the parties as to the number of judges to constitute the Chamber. The Court shall decide upon the request for the formation of a Chamber in accordance with Article 26, paragraphs 2 and 3, of the Statute and Article 24, paragraphs 2 and 5, of these Rules.

4. The President of the Court shall convene the Chamber at the earliest date compatible with the requirements of the procedure.

5. As soon as the Chamber has met to begin the hearing of the case submitted to it, the powers of the President of the Court shall be exercised in respect of the case by the President of the Chamber.

Article 72

1. The procedure before the Chamber for Summary Procedure shall consist of two parts: written and oral.

2. If the proceedings are instituted by means of a special agreement, the written proceedings shall consist of a single pleading by each party, filed within the same time-limit, the documents in support being annexed. If the proceedings are instituted by means of an application, the written proceedings shall consist of similar pleadings filed in turn, first by the applicant and secondly by the respondent within the time-limits fixed by the President of the Chamber. The Chamber may, nevertheless, whatever may be the method of instituting the
proceedings, if the parties so request, permit the filing of further pleadings; if the Chamber upon its own initiative considers any further pleading to be necessary it may, after hearing the parties, direct that it should be filed.

3. The pleadings shall be communicated by the Registrar to the members of the Chamber and to the opposite party. They shall mention all evidence, other than the documents referred to in the preceding paragraph, which the parties desire to produce.

4. When the case is ready for hearing, the President of the Chamber shall fix a date for the opening of the oral proceedings, unless the parties agree to dispense with them; even if there are no oral proceedings, the Chamber shall retain the right to call upon the parties to supply oral explanations.

5. Witnesses or experts whose names are mentioned in the written proceedings must be available so as to appear before the Chamber when their presence is required.

Article 73
Judgments given by a Chamber will be read at a public sitting of that Chamber.

Section 3—Judgments

Article 74
1. The judgment shall contain:
   a statement whether it has been delivered by the Court or by a Chamber;
   the date on which it is delivered;
   the names of the judges participating;
   the names of the parties;
   the names of the agents of the parties;
   a summary of the proceedings;
   the submissions of the parties;
   a statement of the facts;
   the reasons in point of law;
   the operative provisions of the judgment;
   the decision, if any, in regard to costs;
   the number of the judges constituting the majority.

2. Any judge may, if he so desires, attach his individual opinion to the judgment, whether he dissents from the majority or not, or a bare statement of his dissent.

Article 75
1. When the judgment has been read in public, one original copy, duly signed and sealed, shall be placed in the Archives of the Court and another shall be forwarded to each of the parties.

2. A copy of the judgment shall be sent by the Registrar to Members of the United Nations and to States entitled to appear before the Court.

Article 76
The judgment shall become binding on the parties on the day on which it is read in open Court.

Article 77
The party in whose favour an order for the payment of the costs has been made shall present his bill of costs within ten days after the judgment has been delivered. The Court shall decide any dispute concerning the bill.

Section 4—Requests for the Revision or Interpretation of a Judgment

Article 78
1. A request for the revision of a judgment shall be made by an application.

The application shall state the judgment of which the revision is desired, and shall contain the particulars necessary to show that the conditions laid down by Article 61 of the Statute are fulfilled, and a list of the documents in support; these documents shall be attached to the application.

2. The request for revision shall be communicated by the Registrar to the other parties. The latter may submit observations within a time-limit to be fixed by the Court, or by the President if the Court is not sitting.

3. If the Court admits the application for a revision, it will determine the written procedure required for examining the merits of the application.

4. If the Court makes the admission of the application conditional upon previous compliance with the judgment to be revised, this condition shall be communicated forthwith to the applicant by the Registrar and proceedings in revision shall be stayed pending receipt by the Court of proof of compliance with the judgment.

Article 79
1. A request to the Court to interpret a judgment which it has given may be made either by the notification of a special agreement between the parties or by an application by one or more of the parties.

2. The special agreement or application shall state the judgment of which an interpretation is requested and shall specify the precise point or points in dispute.

3. If the request for interpretation is made by means of an application, the Registrar shall communicate the application to the other parties, and the latter may submit observations within a time-limit to be fixed by the Court, or by the President if the Court is not sitting.

4. Whether the request be made by special agreement or by application, the Court may invite the parties to furnish further written or oral explanations.

Article 80
If the judgment to be revised or to be interpreted was given by the Court, the request for its revision or interpretation shall be dealt with by the Court. If the judgment was given by one of the Chambers mentioned in Articles 26 or 29 of the Statute, the request for its revision or interpretation shall be dealt with by the same Chamber.
Article 81

The decision of the Court on requests for revision or interpretation shall be given in the form of a judgment.

HEADING III

ADVISORY OPINIONS

Article 82

1. In proceedings in regard to advisory opinions, the Court shall, in addition to the provisions of Article 96 of the Charter and Chapter IV of the Statute, apply the provisions of the Articles which follow. It shall also be guided by the provisions of these Rules which apply in contentious cases to the extent to which it recognizes them to be applicable; for this purpose it shall above all consider whether the request for the advisory opinion relates to a legal question actually pending between two or more States.

2. If the Court is of the opinion that a request for an advisory opinion necessitates an early answer, it shall take the necessary steps to accelerate the procedure.

Article 83

If the advisory opinion is requested upon a legal question actually pending between two or more States, Article 31 of the Statute shall apply, as also the provisions of these Rules concerning the application of that Article.

Article 84

1. Advisory opinions shall be given after deliberation by the Court. They shall mention the number of judges constituting the majority.

2. Any judge may, if he so desires, attach his individual opinion to the advisory opinion of the Court, whether he dissent from the majority or not, or a bare statement of his dissent.

Article 85

1. The Registrar will in due time inform the Secretary-General of the United Nations and the appropriate organ of the institution, if any, which requested the advisory opinion, as to the date and the hour fixed for the sitting to be held for the reading of the opinion.

2. One original copy of the advisory opinion, duly signed and sealed, shall be placed in the archives of the Court and another shall be sent to the Secretariat of the United Nations. Certified copies shall be sent by the Registrar to Members of the United Nations and to the States, specialized agencies and public international organizations directly concerned.

Done at The Hague, this sixth day of May nineteen hundred and forty-six.

(Signed) J. G. GUERRERO,
President.

(Signed) E. HAMBRO,
Registrar.

ANNEX II.

STATES ACCEPTING COMPULSORY JURISDICTION

AUSTRALIA

Date of Signature: August 21, 1940.
Date of Deposit of Ratification: Not required.
Effective Until: August 21, 1945, and thereafter until such time as notice of termination may be given.
Conditions: Effective without special convention on condition of reciprocity over all disputes arising after August 18, 1930 (date of ratification of previous declaration by Australia) with regard to situations or facts subsequent to that date other than:

1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
2) disputes with the Government of any other Member of the League of Nations which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such a manner as the parties have agreed or shall agree;
3) disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Commonwealth of Australia;
4) subject to the condition that His Majesty's Government in the Commonwealth of Australia reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to the Council of the League of Nations;
5) disputes arising out of events occurring at a time when His Majesty's Government in the Commonwealth of Australia were involved in hostilities.

CANADA

Date of Signature: September 20, 1929.
Date of Deposit of Ratification: July 28, 1930.
Effective Until: July 28, 1940, and thereafter until such time as notice may be given of termination.
Conditions: Effective without special convention on condition of reciprocity in all disputes arising after ratification and with regard to situations or facts subsequent to said ratification other than:

1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
2) disputes with the Government of any other Member of the League of Nations which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

3) disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Dominion of Canada;

4) subject to the condition that His Majesty's Government in Canada reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations;

5) disputes arising out of events occurring during the present war. (Notification of December 8, 1939).

CHINA
Date of Signature: October 26, 1946.
Date of Deposit of Ratification: Not required.
Effective Until: 1951 and thereafter until notice of termination.
Conditions: In relation to any State which accepts the same obligation.

COLOMBIA
Date of Signature: January 6, 1932.
Date of Deposit of Ratification: Not required.
Effective Until: Indefinite.
Conditions: Effective without special agreement, on condition of reciprocity, in relation to any other State accepting the same obligation in all disputes arising out of facts subsequent to January 6, 1932.

DENMARK
Date of Signature: December 10, 1946.
Date of Deposit of Ratification: Not required.
Effective Until: December 10, 1956.
Conditions: In relation to any other State accepting the same obligation.

DOMINICAN REPUBLIC
Date of Signature: September 30, 1924.
Date of Deposit of Ratification: February 4, 1933.
Effective Until: Indefinite.
Conditions: Effective without special convention in relation to any other State accepting the same obligation.

EL SALVADOR
Date of Signature: December 18, 1920.
Date of Deposit of Ratification: The declaration came into force on August 29, 1930, when the Government of El Salvador deposited the ratification of the Protocol of Signature of the Statute of the Permanent Court.

Effective Until: Indefinite.
Conditions: Excluded from the declaration are:
1) disputes or differences concerning points or questions which cannot be submitted to arbitration in accordance with the political Constitution of El Salvador;
2) disputes which arose before the coming into force of the declaration;
3) pecuniary claims made against the Nations.

FRANCE
Date of Signature: February 18, 1947.
Date of Deposit of Ratification: Ratification not yet been received.
Effective Until: Five years after date of ratification and thereafter until notice of termination.
Conditions: Effective without special agreement in relation to any other State accepting the same obligation for all disputes which may arise in respect of facts or situations subsequent to ratification of the present declaration with the exception of:
1) disputes with regard to which the parties may have agreed or may agree to have recourse to another form of peaceful settlement;
2) differences relating to matters which are essentially within the national jurisdiction as understood by the Government of the French Republic.

GUATEMALA
Date of Signature: January 27, 1947.
Date of Deposit of Ratification: Not required.
Effective Until: January 27, 1952.
Conditions: Effective in relation to any other State accepting the same obligation in all legal disputes, except the dispute between England and Guatemala concerning the restoration of the territory of Belize, which the Government of Guatemala would agree to submit to the judgment of the Court, if the case were decided ex oequo et bono in accordance with Article 38, paragraph 2 of the Statute of the Court.

HAITI
Date of Signature: September 7, 1921.
Date of Ratification: Not required.
Effective Until: Indefinite.
Conditions: Unconditional.

INDIA
Date of Signature: February 28, 1940.
Date of Deposit of Ratification: Not required.
Effective Until: February 28, 1945, and thereafter until such time as notice may be given to terminate the acceptance.
Conditions: Effective without special convention on condition of reciprocity over all disputes arising after February 5, 1930 (date of ratification of previous declaration by India)
with regard to situations or facts subsequent to that date other than:

1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

2) disputes with the government of any other Member of the League of Nations which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

3) disputes with regard to questions which by international law fall exclusively within the jurisdiction of India;

4) subject to the condition that the Government of India reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations;

5) disputes arising out of events occurring at a time when the Government of India were involved in hostilities.

IRAN
Date of Signature: October 2, 1930.
Date of Deposit of Ratification: September 19, 1932
Effective Until: September 19, 1938, and thereafter until notification is given of its abrogation.
Conditions: Effective without special agreement in relation to any other State accepting the same obligation in any disputes arising after the signature of the present declaration with regard to situations or facts subsequent to this signature, except in cases where the parties have agreed or shall agree to have recourse to another procedure or to another method of peaceful settlement.

MEXICO
By letter of February 18, 1947, the Mexican Government informed the Secretary-General that the Mexican Government had decided to ask for Federal Legislature for constitutional approval of the recognition by Mexico, as from March 1, 1947, of the jurisdiction of the International Court of Justice in accordance with the provisions of Article 36, paragraph 2, of the Statute of the Court. If the Mexican Senate approved the measure, the Mexican Government would forward the declaration. As of June 30, 1947, no declaration had been received from the Mexican Government.

NETHERLANDS
Date of Signature: August 5, 1946.
Date of Deposit of Ratification: Not required.
Effective Until: August 6, 1956, and subsequently until notice of abrogation.
Conditions: Effective without special agreement in relation to any other State accepting the same obligation in all future disputes with the exception of those in which the parties have agreed, after the entry into force of the Statute of the Permanent Court of International Justice, to have recourse to some other method of peaceful settlement.

NEW ZEALAND
Date of Signature: April 1, 1940.
Date of Deposit of Ratification: Not required.
Effective Until: April 1, 1945, and thereafter until notice may be given to terminate the acceptance.
Conditions: Effective without special convention on condition of reciprocity over all disputes arising after March 29, 1930 (date of ratification of a previous declaration by New Zealand) with regard to situations or facts subsequent to that date, other than:

1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

2) disputes with the government of any other Member of the League of Nations which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

3) disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Dominion of New Zealand;
4) subject to the condition that His Majesty’s Government in New Zealand reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations;
5) disputes arising out of events occurring at a time when His Majesty's Government in New Zealand were involved in hostilities.

NICARAGUA
Date of Signature: September 24, 1929.
Date of Deposit of Ratification: Declaration took effect on November 29, 1939, when the Nicaraguan Government notified the Secretary-General of the League of Nations of Nicaragua’s ratification of the Protocol of Signature of the Statute of the Permanent Court.
Effective Until: Indefinite.
Conditions: Unconditional.

NORWAY
Date of Signature: November 16, 1946.
Date of Deposit of Ratification: Not required.
Effective Until: October 3, 1956.
Conditions: Without special agreement in relation to any other State accepting the same obligation.

PANAMA
Date of Signature: October 25, 1921.
Date of Deposit of Ratification: June 14, 1929.
Effective Until: Indefinite.
Conditions: Effective without special convention in relation to any other State accepting the same obligation.

SIAM
Date of Signature: September 20, 1929.
Date of Deposit of Ratification: May 7, 1930.
Effective Until: May 7, 1950.
Conditions: Effective without special convention in relation to any other Member or State which accepted the same obligation in all disputes as to which no other means of pacific settlement is agreed upon between the parties.

SWEDEN
Date of Signature: April 5, 1947.
Date of Deposit of Ratification: Not required.
Effective Until: April 5, 1957.
Conditions: Effective in relation to any other State accepting the same obligation in all disputes which may arise with regard to situations or facts subsequent to this declaration.

TURKEY
Date of Signature: May 22, 1947.
Date of Deposit of Ratification: Not required.
Effective Until: May 22, 1952.

Conditions: Effective without special agreement in relation to any other State accepting the same obligation in all disputes which will arise in the future concerning:
1) the interpretation of a treaty;
2) any question of international law;
3) the existence of any fact, which, if established, would constitute a breach of an international obligation;
4) the nature or extent of the reparation to be made for the breach of an international obligation;
with the exception of:
1) situations previous to this declaration and differences which arise therefrom;
2) disputes for which it may be possible to apply, directly or indirectly, agreements and conventions concluded by Turkey providing for a different method of settling disputes.

UNION OF SOUTH AFRICA
Date of Signature: April 7, 1940.
Date of Ratification: Not required.
Effective Until: Until such time as notice may be given to terminate the acceptance.
Conditions: Effective without special convention on condition of reciprocity over all disputes arising after April 7, 1930 (date of ratification of a previous declaration by South Africa) with regard to situations or facts subsequent to that date other than:
1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
2) disputes with the Government of any other Member of the League of Nations which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such manners as the parties have agreed or shall agree;
3) disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Union of South Africa;
4) subject to the condition that His Majesty's Government in the Union of South Africa reserve the right to require that proceedings of the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations;
5) disputes arising out of events occurring during any period in which the Union of South Africa is engaged in hostilities as a belligerent.

UNITED KINGDOM
Date of Signature: February 28, 1940.
Date of Deposit of Ratification: Not required.
Effective Until: February 28, 1945, and thereafter until such time as notice may be given to terminate the acceptance.
Conditions: Effective without special convention on condition of reciprocity over all disputes arising after February 5, 1930 (date of ratification of previous declaration by United Kingdom) with regard to situations or facts subsequent to that date, other than:

1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

2) disputes with the government of any other Member of the League of Nations which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

3) disputes with regard to questions which by international law fall exclusively within the jurisdiction of the United Kingdom;

4) subject to the condition that His Majesty's Government reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations;

5) disputes arising out of events occurring at a time when His Majesty's Government in the United Kingdom were involved in hostilities.

Additional Declaration by United Kingdom Government

Date of Signature: February 13, 1946.
Date of Deposit of Ratification: Not required.
Effective Until: February 13, 1951.
Conditions: In all legal disputes arising after the date of signature of the declaration, except:

1) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

2) disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America as determined by the United States of America; or

3) disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decisions are also parties to the case before the Court, or (2) the United States of America specifically agrees to jurisdiction.

UNITED STATES

Date of Signature: August 14, 1946.
Date of Deposit of Ratification: Not required.
Effective Until: August 14, 1951, and thereafter until the expiration of six months after notice may be given to terminate this declaration.

Conditions: In all legal disputes arising after the date of signature of the declaration, except:

1) disputes concerning the interpretation, application or validity of any treaty relating to the boundaries of British Honduras, and over any questions arising out of any conclusion which the Court may reach with regard to such treaty.

URUGUAY

Date of Signature: January 28, 1921.
Date of Deposit of Ratification: September 27, 1921.
Effective Until: Indefinite.
Conditions: Effective without special convention in relation to any other State accepting the same obligation.