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[Distributed to the Council, the Members of the League and the Delegates at the Assembly.]

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LEAGUE OF NATIONS

ELECTION OF MEMBERS OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

NOTE BY THE SECRETARY-GENERAL CONCERNING THE RELEVANT PROVISIONS OF THE COURT'S STATUTE AND THE PROCEDURE FOR THE ELECTION OF THE MEMBERS OF THE COURT

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During the Assembly's session of the present year the Assembly and Council are called upon :

- (a) To proceed to a general election of all the members of the Court for the nine years commencing January 1st, 1931 ;
- (b) To consider the question of electing, for the period down to December 31st, 1930, a successor to the Honourable Charles Evans Hughes, Judge of the Court, whose resignation was accepted by the Council on May 12th last, subject to the concurrence of the Assembly.

In execution of Articles 4, 5 and 7 of the Statute of the Court, the Secretary-General has duly invited the national groups mentioned in Article 4 of the Statute to make nominations with a view to the general election of all the members of the Court.

In accordance with the Council's decision of May 12th, 1930, he has further invited the national groups to make nominations with a view to the election of a successor to Mr. Hughes.

In both cases, the national groups were invited to communicate their nominations to the Secretary-General before August 1st. So soon as possible after that date, the lists of the persons nominated down to that date will be communicated to the Members of the League. The final lists, including, in accordance with precedent, nominations received after August 1st, will be circulated to the Assembly and Council at the opening of the Assembly's session.

PROVISIONS OF THE STATUTE OF THE COURT DEALING WITH THE METHOD
OF ELECTION AND THE QUALIFICATIONS AND DUTIES OF MEMBERS
OF THE COURT.

The amendments in the Court's Statute, provided for by the Protocol of September 14th, 1929, which was drawn up by the special conference of Government representatives and adopted by the Assembly, do not alter the procedure to be followed by the Assembly and the Council in the election of members of the Court. Mention should, however, be made of the amendment to Article 4 of the Statute, which provides that « the conditions under which a State which has accepted the Statute of the Court but is not a Member of the League of Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the Assembly on the proposal of the Council ».

The amendments do not affect the position of the judge to be elected in place of Mr. Hughes, since paragraph 5 of the Protocol provides that, until January 1st, 1931, the Court shall continue to perform its functions in accordance with the Statute of 1920.

As regards the general election of the members of the Court who will come into office on January 1st, 1931, the entry into force of the amendments¹ involves the abolition of the four deputy-judges, the increase of the number of judges from eleven to fifteen, and modifications in the conditions of service of the judges.

The following statement, which was prepared by the Secretary-General for the use of the national groups, shows the changes in this respect which would be effected by the amendments and by the resolutions regarding the remuneration and pensions of members of the Court which were adopted last year by the Assembly, subject to the entry into force of the amendments.

COMPOSITION OF THE COURT.

Under the existing text of Article 3, and in the absence of exercise by the Council and Assembly of the power to increase the number of the members of the Court, the Court consists of fifteen members, namely, eleven judges and four deputy-judges. The election of the judges takes place first and is followed by a separate election of the deputy-judges (Article 8).

Under the amended text of Articles 3 and 8, the Court will consist of fifteen members of identical status, who will all be chosen by a single election; the office of deputy-judge is abolished.

FUNCTIONS AND OCCUPATIONS INCOMPATIBLE WITH MEMBERSHIP OF THE COURT.

Under the existing text of Article 16, the members of the Court " may not exercise any political or administrative function " ; but this provision does not apply to the deputy-judges, except when performing their duties on the Court. Under the existing text of Article 17, no member of the Court " can act as agent, counsel or advocate in any case of an international nature " ; but this provision applies to deputy-judges only " as regards cases in which they are called upon to exercise their functions on the Court " .

Under the amended text of Article 16, all the members of the Court have the obligation not to exercise any political or administrative function or engage in any other occupation of a professional nature. It is noted in the Minutes of the Conference of Government representatives that the words " occupation of a professional nature " were intended by the Conference " to be interpreted in the widest sense ; that is to say, to cover, for example, such an activity as being director of a company " (see page 33 of the Minutes : document C.514.M.173.1929.V.

¹ The provisions of the Protocol regarding the entry into force of the amendments are as follows (paragraphs 2, 3, 4 and 7) :

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

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

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

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

The Council has taken measures to ascertain the attitude of the Governments concerned (see Secretary-General's circular letter No. 96.1930.V.) with a view to examining the situation at its September session.

— Legal 1929.V.18). Under the amended text of Article 17, the members of the Court may not “act as agent, counsel or advocate in any case”; the words “in any case” have been substituted by the Conference for the words “in any case of an international nature” used in the original text of the article (see page 34 of the Minutes), and the obligation applies to all the members of the Court.

Both the original and the amended text of Article 17 further provide that no member of the Court “may participate in the decision of any case in which he has previously taken an active part as agent, counsel or advocate for one of the contesting parties, or as a member of a national or international court or of a commission of enquiry or in any other capacity”.

PERMANENT FUNCTIONING OF THE COURT.

The amendments affect the obligations of members of the Court by substituting for the existing system under which the Court holds one regular annual session and may, when necessary, be convened in extraordinary session, the rule that the Court shall remain constantly in session except during the judicial vacations, the dates and duration of which are fixed by it, and the rule that the members of the Court, unless they are on regular leave or prevented from attending by illness or other serious reason duly explained to the President, must hold themselves permanently at the disposal of the Court (Article 23, amended text). Provision is, however, made for special leave of absence of six months every three years for members whose homes are situated at more than five days' normal journey from The Hague. The obligation of residence at The Hague is imposed only upon the President of the Court (Article 22).

REMUNERATION AND PENSIONS OF MEMBERS OF THE COURT.

In presenting the amendments to the Assembly, the Rapporteur, M. Politis, explained that the new provisions regarding the members of the Court were inspired by the principle that “their judicial functions must constitute their sole and exclusive occupation”. The alteration in the position of the members of the Court will be accompanied by a corresponding revision of the provisions governing their remuneration and pensions, the effect of which is shown below (Article 32 and Annex).

TEXT OF THE ARTICLES OF THE STATUTE IN THEIR PRESENT FORM AND IN THE FORM WHICH WILL RESULT FROM THE PROPOSED AMENDMENTS.

The articles of the Statute which are material in connection with the appointment and the position of members of the Court are reproduced below in their present form and in the form which will result from the proposed amendments :

Original text.

Amended text.

Article 2.

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

No change.

Article 3.

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

New Article 3.

The Court shall consist of fifteen members.

Original text.

Amended text.

Article 4.

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

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

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

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

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

Article 5.

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

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

No change.

Article 6.

Before making these nominations, each national group is recommended to consult its highest Court of Justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of Law.

No change.

Article 7.

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

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

No change.

Article 8.

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

New Article 8.

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

Article 9.

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

No change.

Original text.

Amended text.

Article 10.

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

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

No change.

Article 11.

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

No change.

Article 12.

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

No change.

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

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

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

Article 13.

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

They may be re-elected.

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

New Article 13.

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

They may be re-elected.

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

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

This last notification makes the place vacant.

Article 16.

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

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

New Article 16.

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

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

Article 17.

No member of the Court can act as agent, counsel or advocate in any case of an international nature. This provision only applies to the deputy-judges as regards cases in

New Article 17.

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

No member may participate in the decision of any case in which he has previously taken

Original text.

Amended text.

which they are called upon to exercise their functions on the Court.

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

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

an active part as agent, counsel or advocate for one of the contesting parties, or as a member of a national or international Court, or of a commission of enquiry, or in any other capacity.

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

Article 19.

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

No change.

Article 20.

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

No change.

Article 21.

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

It shall appoint its Registrar.

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

No change.

Article 22.

The seat of the Court shall be established at The Hague.

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

No change.

Article 23.

A session of the Court shall be held every year.

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

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

New Article 23.

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

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

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

Article 32.¹

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

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

New Article 32.¹

The members of the Court shall receive an annual salary.

The President shall receive a special annual allowance.

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

¹ The Annex shows the provisions which have been laid down by the Assembly regarding the remuneration and pensions of members of the Court appointed under the existing Statute and the revised provisions on these subjects which will apply if the amendments to the Statute of the Court come into force. The Annex also contains the text of the regulations for the repayment of travelling expenses of the members, and of the Registrar of the Permanent Court, which have been approved by the Assembly subject to the entry-into-force of the amendments to the Court's Statute.

Original text.

Amended text.

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

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

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

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

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

Article 39.¹

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

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

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

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

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

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

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

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

New Article 39.¹

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

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

The Court may, at the request of any party, authorise a language other than French or English to be used.

¹ The provisions of the Rules of Court relating to the use of languages in proceedings before the Court are as follows :

Article 37.

Should the parties agree that the proceedings shall be conducted in French or in English, the documents constituting the written procedure shall be submitted only in the language adopted by the parties.

In the absence of an agreement with regard to the language to be employed, documents shall be submitted in French or in English.

Should the use of a language other than French or English be authorised, a translation into French or into English shall be attached to the original of each document submitted.

The Registrar shall not be bound to make translations of documents submitted in accordance with the above rules.

In the case of voluminous documents, the Court, or the President if the Court is not sitting, may, at the request of the party concerned, sanction the submission of translations of portions of documents only.

Article 44.

The Registrar shall arrange for the interpretation from French into English and from English into French of all statements, questions and answers which the Court may direct to be so interpreted.

Whenever a language other than French or English is employed, either under the terms of the third paragraph of Article 39 of the Statute or in a particular instance, the necessary arrangements for translation into one of the two official languages shall be made by the party concerned. In the case of witnesses or experts who appear at the instance of the Court, these arrangements shall be made by the Registrar.

Annex.

SALARIES, ALLOWANCES AND INDEMNITIES OF MEMBERS OF THE PERMANENT COURT.

Resolution adopted by the Assembly on December 18th, 1920.

The Assembly of the League of Nations, in conformity with the provisions of Article 32 of the Statute, fixes the salaries and allowances of members of the Permanent Court of International Justice as follows :

<i>President :</i>		Dutch florins
Annual salary . . .	15,000	
Special allowance . .	45,000	
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Total	60,000	
<i>Vice-President :</i>		
Annual salary . . .	15,000	
Duty allowance (200 × 150)	30,000 (maximum)	
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Total	45,000	
<i>Ordinary Judges :</i>		
Annual salary . . .	15,000	
Duty allowance . . . (200 × 100) . . .	20,000 (maximum)	
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Total	35,000	
<i>Deputy-Judges :</i>		
Duty allowance . . . (200 × 150) . . .	30,000 (maximum)	

Duty allowances are payable from the day of departure until the return of the beneficiary.

An additional allowance of 50 florins per day is assigned for each day of actual presence at The Hague to the Vice-President and to the ordinary and deputy-judges.

Allowances and salaries are free of all tax.

Resolution adopted by the Assembly on September 14th, 1929, subject to the entry into force of the amendments to the Court's Statute.

The Assembly approved the following resolution, adopted by the Council on September 13th, 1929 :

“ With reference to Article 32 of the Court's Statute, the Council agrees with the suggestions of the Supervisory Commission and proposes that, subject to the entry into force of the amendments proposed in the Court's Statute, the Assembly should fix the salaries of the members of the Court from January 1st, 1931, as follows :

		Dutch florins
<i>“ President :</i>	Annual salary . .	45,000
	Special allowance .	15,000
<i>“ Vice-President :</i>	Annual salary . .	45,000
	Allowance of 100 florins for each day on which he acts as President, up to a maximum of . .	10,000
<i>“ Members :</i>	Annual salary . .	45,000
<i>“ Judges referred to in Article 31 of the Statute :</i>	Allowance of 100 florins for each day of duty, plus a daily subsistence allowance of 50 florins.”	

PENSIONS OF MEMBERS OF THE COURT.

Regulations adopted by the Assembly on September 30th, 1924.

Article 1.

Ordinary judges and registrars who have, for any reason whatever, ceased to hold office shall be entitled to retiring pensions.

Regulations adopted by the Assembly on September 14th, 1929, subject to the entry into force of the amendments to the Court's Statute.

Article 1.

The members and the Registrar of the Court who have, for any reason whatever, ceased to hold office shall be entitled to retiring pensions.

This right, however, shall not be recognised if the persons concerned have been dismissed for reasons other than the state of their health.

In the case of resignation, judges will not be entitled to pensions unless they have completed a period of five years' service, and the Registrar shall not be entitled to a pension unless he has completed a period of seven years' service.

Nevertheless, in the cases referred to in the previous paragraph, the Court may, by a special decision based on the fact that the persons concerned are in a precarious state of health and have insufficient means, grant the minimum pension to which such persons would be entitled, after five years' service in the case of judges, and after seven years' service in the case of the Registrar.

The payment of a pension shall not begin until the person entitled to such pension has reached the age of 65. Nevertheless, in exceptional cases and by a special decision of the Court, in consideration of the state of health or the means of the beneficiary, pensions may be paid to such beneficiary before he reaches the age of 65.

Article 2.

No retiring pension payable under the present regulations shall exceed 15,000 Dutch florins in the case of judges and 10,000 Dutch florins in the case of the Registrar.

Article 3.

Subject to the provisions of Article 2, judges shall be entitled to the payment of a pension equivalent to one-thirtieth of their salary in respect of each period of twelve months passed in the service of the Court, the salary being taken to comprise the following :

- (1) Fixed annual salary ;
- (2) The whole of the daily duty allowances, the minimum number of days taken for the purpose of this calculation being 180 ; the duty allowance of the President of the Court shall be reckoned as being 35,000 florins per year.

In calculating the salary, no account shall be taken of sums received as subsistence allowance.

A Registrar shall be entitled to the payment of a pension equivalent to one-fortieth of his salary in respect of each period of twelve months passed in the service of the Court.

If a person entitled to a pension is re-elected to office, the pension shall cease to be payable during his new term of office ; at the end of this period, however, the amount of his pension shall be determined as provided for above, on the basis of the total period during which he discharged his duties.

Article 4.

Subject to the provisions of Article 3, retiring pensions shall be payable monthly in arrears during the lifetime of the beneficiary.

This right, however, shall not be recognised if the persons concerned have been dismissed for reasons other than the state of their health.

In the case of resignation, members of the Court will not be entitled to pensions unless they have completed a period of five years' service, and the Registrar shall not be entitled to a pension unless he has completed a period of seven years' service, but the Court shall have power, by a special decision, based on the fact that the person concerned is in a precarious state of health and has insufficient means, to grant him a pension equivalent to that to which he would have been entitled had he completed the minimum period of service laid down above.

The payment of a pension shall not begin until the person entitled to such pension has reached the age of 65. In certain exceptional cases, however, the pension may, by a decision of the Court, be made payable, in whole or part, to persons entitled thereto before they reach that age.

Article 2.

No retiring pension payable under the present regulations shall exceed 15,000 Dutch florins per annum in the case of members of the Court and 10,000 Dutch florins per annum in the case of the Registrar.

Article 3.

Subject to the provisions of Article 2, members shall be entitled to the payment of a pension equivalent to one-thirtieth of their salary in respect of each period of twelve months passed in the service of the Court, the amount being calculated :

For the President, on his annual salary and special allowance ;

For the Vice-President, on his annual salary and duty allowance ;

For other members, on their annual salaries.

The Registrar shall be entitled to the payment of a pension equivalent to one-fortieth of his salary in respect of each period of twelve months passed in the service of the Court.

If a person entitled to a pension is re-elected to office, the pension shall cease to be payable during his new term of office ; at the end of this period, however, the amount of this pension shall be determined as provided for above, on the basis of the total period during which he discharged his duties.

Article 4.

Subject to the provisions of Article 3, retiring pensions shall be payable monthly *in arrear* during the lifetime of the beneficiary.

Article 5.

Retiring pensions shall be regarded as coming under the " Expenses of the Court ", within the meaning of Article 33 of the Statute of the Court.

Article 6.

The Assembly of the League of Nations may, on the proposal of the Council, amend the present regulations.

Nevertheless, any amendment so made shall not apply to persons elected before the amendment in question was adopted, unless they give their consent thereto.

Article 5.

Retiring pensions shall be regarded as coming under the " expenses of the Court " within the meaning of Article 33 of the Statute of the Court.

Article 6.

The Assembly of the League of Nations may, on the proposal of the Council, amend the present regulations.

Nevertheless, any amendment so made shall not apply to persons elected before the amendment in question was adopted, unless they give their consent thereto.

REGULATIONS FOR THE REPAYMENT OF TRAVELLING EXPENSES TO THE MEMBERS AND TO THE REGISTRAR OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE, ADOPTED BY THE ASSEMBLY ON SEPTEMBER 14TH, 1929, SUBJECT TO THE ENTRY INTO FORCE OF THE AMENDMENTS TO THE COURT'S STATUTE.

Article 1.

Members of the Permanent Court of International Justice shall be entitled, in respect of themselves and one near relative, to repayment of travelling expenses necessarily incurred by them in the course of journeys made on duty, and to repayment of the cost of one journey every year from the seat of the Court to their homes and back again.

For this purpose each member will hand in to the Registry a written statement of the place to be regarded as his home.

Judges *ad hoc*, appointed as provided in Article 31 of the Statute of the Court, shall be entitled to repayment of the travelling expenses necessarily incurred by them in the course of their journeys made on duty.

The Registrar of the Court shall be entitled to repayment of travelling expenses necessarily incurred by him in the course of his journeys made on duty, and to repayment of the cost of one journey every year from the seat of the Court to his home and back again.

Article 2.

Journeys made on duty shall comprise :

(1) Journeys made necessary by sessions or sittings of the Court held away from the seat of the Court, and by visits to places concerned in proceedings, etc. ;

(2) Journeys made necessary by summonses to members of the Court who are away from The Hague on leave or during the vacations of the Court, and to *ad hoc* judges ;

(3) In the case of the Registrar, journeys undertaken by him on mission on the Court's behalf or as a " competent official " within the meaning of the Financial Regulations of the League of Nations.

Article 3.

Members whose homes are distant more than five days' normal travel from The Hague may be reimbursed, instead of for a journey to their homes and back again, for a journey to any other place they may select, provided the cost does not exceed that of a journey to their homes and back again.

Article 4.

Travelling expenses shall be refunded to judges and to the Registrar on presentation of detailed claims for expenses, duly signed by them.

These claims for expenses, countersigned by the Registrar (or, where necessary, by the Deputy-Registrar), who will endorse them " Certified in conformity with the regulations in force ", shall be transmitted by him to the President for signature and final approval. If the Registrar (or Deputy-Registrar, as the case may be) does not feel able to endorse a claim for expenses as indicated above, he shall transmit it, together with a report, to the President, with whom the decision shall rest.

Article 5.

If a journey cannot be effected without a break, the additional hotel and subsistence expenses shall be refunded to the persons concerned.

PROCEDURE FOR THE ELECTION OF ALL THE MEMBERS OF THE COURT.

The following paragraphs indicate the procedure for the election of all the members of the Court which results from the relevant articles of the Court's Statute and the precedents established by the Assembly and Council in electing all the members of the Court in 1921 and filling two vacancies on the Court in 1929.

I. JUDGES.

1. For election a candidate must obtain an absolute majority of votes, both in the Assembly and in the Council; if more than one national of the same Member of the League obtains the necessary majority, the eldest only is considered as elected (Article 10).

By Article 9 of the Statute, the electors are required to "bear in mind that not only should all the persons appointed as members of the Court possess the qualifications required, but the whole body also should represent the main forms of civilisation and the principal legal systems of the world".

2. The Council and Assembly are required to proceed independently of one another (Article 8). Accordingly they meet separately and simultaneously. It is customary for the Assembly to meet in public and the Council in private session.

3. Both in the Assembly and in the Council the voting is conducted by secret ballot on a list of names, *i.e.*, each delegation at the Assembly, or each member of the Council, may, at each ballot, vote for a number of candidates equal to, but not exceeding, the number of places which have to be filled. A ballot paper containing more than this number of names is invalid. The required absolute majority is half the votes cast plus one, leaving out of account blank or invalid ballot papers.

4. The Assembly and Council, sitting separately, proceed to the number of ballots necessary to establish a list of the required number of candidates having obtained the prescribed majority. If more than the required number of candidates obtain this majority, those having obtained most votes are included in the list. The list established by the Council is transmitted under seal to the President of the Assembly and compared with the list established by the Assembly. Candidates appearing on both lists are declared by the President of the Assembly to have been elected.

The result of each ballot is announced in the Assembly and Council respectively.

5. If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting is held (Article 11). The number of candidates to be voted for at such subsequent meetings is that of the number of places remaining to be filled. The procedure is otherwise identical with that of the first meeting.

6. At the above-mentioned electoral meetings of the Council and Assembly, only those persons are eligible for election whose names appear upon the list of candidates nominated by the national groups which is submitted by the Secretary-General to the Assembly and to the Council in execution of Articles 4, 5 and 7 of the Statute (Article 7).

In accordance with the decision taken by the Assembly in 1921 and reaffirmed at subsequent elections, any candidate appearing on the list is eligible for election at any ballot in virtue of Articles 4 and 7 of the Court's Statute and notwithstanding the provisions of Rule 21 of the Rules of Procedure of the Assembly.

7. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members—three appointed by the Assembly and three by the Council—may be formed at any time at the request of either the Assembly or the Council for the purpose of choosing one name for each seat still vacant to submit to the Assembly and the Council for their respective acceptance (Article 12, paragraph 1).

If the conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list even though he was not included in the list of nominations referred to in Articles 4 and 5 (Article 12, paragraph 2).

Simultaneous separate meetings of the Assembly and Council are held to consider the names proposed by the joint conference. The voting is by secret ballot. The result of the Council's vote is communicated under seal to the President of the Assembly for comparison with the result of the Assembly's vote. The persons accepted both by the Assembly and by the Council will be declared by the President of the Assembly to be elected.



8. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been appointed proceed, within a period to be fixed by the Council, to fill the vacant seats by selection among those candidates who have obtained votes either in the Assembly or in the Council (Article 12, paragraph 3).

In the event of an equality of votes among the judges, the eldest judge has a casting vote (Article 12, paragraph 4).

9. Successful candidates will at once be officially notified of their election by the Secretary-General and requested to inform him whether they accept. In the event of a refusal, it will be necessary to elect another person to the vacant seat before the close of the Assembly's session.

II. DEPUTY JUDGES.

The proposed amendments in the Statute of the Court abolish the office of deputy judge. If, however, the amendments are not in force at the date of the election, the election of the deputy judges provided for by the original text of the Court's Statute will take place after the judges of the Court have been elected (Article 8). The procedure is identical with that applicable for the election of the judges.

PROCEDURE FOR THE ELECTION OF A SUCCESSOR TO MR. HUGHES.

The procedure for the election of a successor to Mr. Hughes will be the same as that for the election of all the members of the Court (Article 14 of the Statute). The Assembly and Council may, of course, vote only for candidates included in the list of nominations made by the national groups with a view to the election of Mr. Hughes' successor.
