
TIME

Saturday, Apr. 21, 1923

National Affairs: What Is This Court?

While politicians are arguing, objecting, protesting and shaking in their boots because the World Court will or will not be a political issue, what is this world court? Who made it? Who controls it? What power has it? What is it for? Its right name is the Permanent Court of International Justice. It was not created by the League of Nations Covenant, but its structure was projected thus: "The Council (of the League) shall formulate and submit to the members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly." In February, 1920, the Council appointed an Advisory Committee of Jurists, among them Elihu Root, who drew up a plan for the Court. In December of that year the Assembly of the League adopted the Committee's plan with alterations. This "statute" of the Court was subsequently ratified by a majority of the members of the League, and judges were elected. The Court met for its first annual session on June 15, 1922—so it is not yet a year old. The Court is composed of eleven judges and four deputy judges, elected for nine-year terms. Each nation may submit four candidates for the Court, two of whom are not of its own nationality. From this group the judges are elected. The expenses of the Court are paid by the League of Nations. The "statute of the Court provides that it may handle disputes about treaties, breaches of international obligations and reparations for such breaches, provided such disputes are submitted to it by both parties. There is also an optional clause attached to the statute, which if accepted by a nation thereby pledges that nation to compulsory jurisdiction of the Court in certain legal disputes with other nations, who also have accepted the optional clause. Eighteen nations have adopted this optional clause—although Great Britain, France, Italy and Japan are not among them. (The President's proposal for our participation in the Court does not call for adherence to the optional clause for compulsory submission of disputes to the Court.)

Citizens of the following countries are now judges of the Court: Spain, Italy, Cuba, Great Britain, Holland, Japan, France, the United States (John Bassett Moore, former Counsellor of the Department of State), Denmark, Switzerland. (The eleventh seat was filled by a Brazilian, now dead.) The four deputy judges come from Rumania, China, Yugo-Slavia and Norway.

 Click to Print**Find this article at:**<http://content.time.com/time/magazine/article/0,9171,845851,00.html>

Copyright © 2013 Time Inc. All rights reserved. Reproduction in whole or in part without permission is prohibited.

[Privacy Policy](#) | [Add TIME Headlines to your Site](#) | [Contact Us](#) | [Customer Service](#)