

Geneva, April 17th, 1946.

LEAGUE OF NATIONS

Twenty-first Ordinary Session of the Assembly

REPORT AND RESOLUTION OF THE FIRST COMMITTEE

on the

**DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL
JUSTICE**

Rapporteur: Professor K. H. BAILEY (Australia).

Just as the dissolution of the League of Nations follows upon the establishment of the United Nations, so the dissolution of the Permanent Court of International Justice follows upon the establishment by the United Nations of a new International Court of Justice. The new Court has already commenced to exercise its functions. Accordingly, the Assembly directed the First Committee to prepare the necessary resolution for formally terminating the existence of the Permanent Court.

The First Committee does not think it appropriate to review in detail the work accomplished by the Permanent Court during the past twenty-four years. The record of the judgments and opinions of the Court finds its place in all standard works of the law of nations and enriches the law libraries of the world. The First Committee does wish, however, to emphasise, first, the close continuity that will exist between the Permanent Court and the International Court of Justice and, secondly, the significance for the world community of what the Permanent Court has accomplished.

Men, conscious that they are, after all, mortal, may, when they hear the word "dissolution", think that the Permanent Court is dead. In substance, the contrary is the truth. The Statute of the new Court has been modelled closely upon the Statute of the Permanent Court. The Members of the International Court of Justice have symbolised the relation between the new Court and the old by electing as their first President the distinguished Judge Dr. J. Gustavo GUERRERO, who, since 1937, has held the office of President of the Permanent Court.

In the opinion of the First Committee, there can be no two views as to the success of the work done in the realm of International Law by the Permanent Court of International Justice. Its judgments have not only contributed to the development of the doctrines of International Law but—more fundamentally—to the extension of the rule of law in international affairs. The League may take pride in having inaugurated the first successful experiment, after many attempts in this field had failed in the past, to establish a regular world tribunal for determining disputes between States. The First Committee expresses the conviction that the International Court of Justice will maintain the high traditions of its predecessor.

On the present occasion, the First Committee recalls the distinguished judges and officers of the Permanent Court, whose work built up its traditions. The Committee pays tribute to the devotion to duty which enabled the Court to be maintained throughout the war, in the face of great difficulties.

The First Committee records its gratitude for the message sent to the Assembly by Dr. Guerrero, as the last President of the Permanent Court, in contemplation of this solemn occasion (document A.30.1946).

" THE ASSEMBLY OF THE LEAGUE OF NATIONS,

"Considering that, by Article 92 of the Charter of the United Nations, provision is made for an International Court of Justice which is to be the principal judicial organ of the United Nations and which is to be open to States not members of the United Nations on terms to be determined by the United Nations ;

"Considering that the establishment of this Court and the impending dissolution of the League of Nations render it desirable that measures for the formal dissolution of the Permanent Court of International Justice shall be taken ;

"Considering that the Preparatory Commission of the United Nations, in a resolution of December 18th, 1945, declared that it would welcome the taking of appropriate steps by the League of Nations for the purpose of dissolving the Permanent Court, and that this resolution records the assent to the dissolution of the Permanent Court of all the Members of the United Nations which are parties to the Protocol of Signature of the Statute of the Permanent Court, whether Members of the League of Nations or not ;

"Considering that all the Judges of the Permanent Court have resigned and that on the dissolution of the League no machinery will exist for the appointment of new Judges :

" RESOLVES :

"That the Permanent Court of International Justice is for all purposes to be regarded as dissolved with effect from the day following the close of the present session of the Assembly, but without prejudice to such subsequent measures of liquidation as may be necessary."
