-3 OUT 1945
SAÍDO

DELEGAÇÃO
DOS ESTADOS UNIDOS DO BRASIL

Comissão Preparatória das Nações Unidas

Nº 16

Dissolução da Côrte Permanente
de Justiça Internacional.

S. DE E. DOS ESTADOS UNIDOS
SERVIÇO DE COMUNICAÇÕES
2 OUT 1945
Nº 14177

602.(04)
605.(04)

A Delegação do Brasil à Comissão Preparatória das Nações Unidas tem a honra de remeter, em anexo, ao Ministério das Relações Exteriores uma proposta da Delegação do Reino Unido relativa à dissolução da Côrte Permanente de Justiça Internacional, e em cujo parágrafo primeiro é encarada a situação dos países signatários da Carta das Nações Unidas que, como o Brasil, são parte do Estatuto daquela Carta, sem, no entanto, serem membros da Sociedade das Nações.

Londres, em 19 de setembro de 1945.

PC/EX/ICJ/10
12th September, 1945

Restricted

PREPARATORY COMMISSION OF THE UNITED NATIONS

UNITED KINGDOM DELEGATION

SUGGESTED PROCEDURE FOR DISSOLUTION OF PERMANENT COURT OF INTERNATIONAL JUSTICE

For consideration of Committee 5

In order to avoid the difficulties attendant upon obtaining from all the parties to the Protocol establishing the Permanent Court of International Justice (see list at the end) the necessary signatures and ratifications to an instrument putting an end to the Court, and in order to be able to use the more flexible procedure of a resolution of the Assembly of the League (the validity of which would not be affected by the fact that certain states were absent or did not vote), the following procedure is suggested :

1. States signatory to the Charter of the United Nations but not members of the League though parties to the Protocol establishing the existing Court (e.g. Brazil, Chile and Salvador) would be requested to address a communication to the Secretary-General of the League of Nations, expressing their consent to the dissolution of the Permanent Court and their readiness to concur in and regard themselves as bound by any measures taken by the League for that purpose.

2. A similar communication on behalf of those enemy states which are not members of the League (e.g. Germany, Italy and Japan) would be addressed to the Secretary-General of the League by the principal allied and associated Powers in which it would be stated that, either under the terms of surrender or in any eventual peace treaty, the enemy states concerned would be required to assent to any measures taken to bring the Permanent Court to an end. (Enemy states who are members of the League will of course be covered by the League resolution dealt with under the next heading).

3. The above measures would cover all those parties to the existing Court, enemy or non-enemy, who are not members of the League. The remaining parties to the existing Court, including enemy states who are members of the League, would all be covered by a resolution of the

Assembly of the League. This resolution would recite the facts of the matter. It would refer to and take into account the communications addressed to the Secretary-General under (1) and (2) above and would then state that, in view of these facts and having regard to these communications, the members of the League were agreed that the Permanent Court should be regarded as being at an end as from a date which would be specified, say the 31st December, 1945.

It is believed that certain states members of the League and not members of the United Nations who might not wish to give express concurrence to the dissolution of the Permanent Court would nevertheless be willing to remain away or alternatively to abstain from voting against an Assembly resolution in the above sense. In that event the resolution would be unanimous in the sense required by League procedure (i.e. unanimity of those present and voting) and would have full validity.

The existing parties to the Protocol establishing the Permanent Court of International Justice are believed to be the following:

Albania
Argentine Republic
Australia
Belgium
Bolivia
Brazil
Bulgaria
Canada
China
Columbia
Costa Rica
Czechoslovakia
Denmark
Dominican Republic
Egypt
Ethiopia
Finland
France
Germany
Great Britain
Greece
Guatemala
Haiti
Hungary
India
Iran (Persia)
Iraq
Ireland
Italy
Liberia
Luxemburg
Netherlands
New Zealand
Nicaragua
Norway
Panama
Paraguay
Peru
Poland
Portugal
Rumania
El Salvador
South Africa
Spain
Sweden
Switzerland
Thailand (Siam)
Turkey
Uruguay
Yugoslavia
Liechtenstein
Monaco