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Twenty-seventh session  
Item 94 of the provisional agenda\*

AMENDMENT TO ARTICLE 22 OF THE STATUTE OF THE INTERNATIONAL  
COURT OF JUSTICE (SEAT OF THE COURT) AND CONSEQUENTIAL  
AMENDMENTS TO ARTICLES 23 AND 28

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the new explanatory memorandum annexed hereto which he has received from the International Court of Justice.

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\* A/8760.

EXPLANATORY MEMORANDUM

1. When requesting in 1969 the inclusion in the agenda of the twenty-fourth session of the General Assembly of an item for the amendment of Article 22 of its Statute, and consequential amendments to Articles 23 and 28, the International Court of Justice furnished an explanatory memorandum 1/ stating generally its position regarding its seat as it stood at that date.

2. In view of the time which has since elapsed, the Court considers it sufficient now to rely on the following considerations:

(a) The proposed amendments are desirable because the particularity of the provision that "The seat of the Court shall be established at The Hague" is invidious. No other principal organ of the United Nations and no one of the specialized agencies (or the International Atomic Energy Agency) is compelled by its basic instrument to maintain its seat in a designated place, with one or two exceptions for which there are special reasons.

(b) The location of the Court's present seat has been determined largely by factors of a historical character arising out of the original Hague Peace Conference of 1899 and 1907; and the fact that the Permanent Court of Arbitration and subsequently the Permanent Court of International Justice occupied premises in the Peace Palace at The Hague.

(c) Nevertheless, a Court which has the status of a "World Court" (by which title it is frequently known) should not, by its own Statute, be tied to any particular locality, wherever this might be.

3. The Court is of course permitted by Article 22 of its Statute to "exercise its functions elsewhere whenever the Court considers it desirable". But it would naturally exercise this option only for a particular case when considerations of the convenience of the parties and of the effective administration of its judicial functions made such a departure from its headquarters desirable.

4. The Court, as at present composed, obviously cannot bind its successors, but subject to that the Court, in proposing these amendments, is not recommending that its seat should be established elsewhere than at The Hague. Its present proposal would merely afford the latitude enjoyed by the United Nations itself, and by other principal organs and organizations, to be established at whatever place, in the course of the years, it may be considered that it could function most harmoniously and effectively.

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1/ Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 5 (A/7605), annex.