

PROPOSED COURT OF ARBITRAL JUSTICE

Letter of James Brown Scott to His Excellency, Jonkheer J. Loudon, Minister of Foreign Affairs of the Netherlands, concerning the Establishment of a Court of Arbitral Justice

THE HAGUE, HOLLAND,
January 12, 1914.

MY DEAR MR. LOUDON:

In the course of an interview which you were good enough to give me at The Hague on October 2, 1913, you expressed an interest in a project, which I could do little more than touch upon at the time, for the present establishment of the Court of Arbitral Justice by and for the powers that might be willing to do so and its installation in the Peace Palace before the meeting of the Third Peace Conference. I stated, without going into details, that Holland, as the host of the proposed court, would naturally be a member of it, and I mentioned as possible contracting parties, in addition to Holland, the following countries: Germany, the United States, Austria-Hungary, France, Great Britain, Italy, Japan and Russia. The proposed Academy of International Law at The Hague, which has this day been agreed to, was the chief topic of our conversation, and I ventured, in connection with it, to suggest the possibility of creating the Court of Arbitral Justice, so that at the formal opening of the Academy, which we hope will take place in August of the present year, you might be able to announce that the eight powers, to which reference has been made, had, upon the initiative of Holland, agreed to constitute the Court of Arbitral Justice, to be installed, like the Academy of International Law, in the Peace Palace. You stated in reply that you thought well of the idea and you intimated your willingness to receive and consider a memorandum on the subject which I offered to prepare. This somewhat formal and forbidding document I now have the honor to hand you, in the hope that it may be of some service to you and that it may advance the cause of judicial settlement of international disputes, as it certainly will, if it should lead you to attempt the establishment of the Court of Arbitral Justice.

The difficulty which has heretofore stood in the way of its composition has been the inability or failure to hit upon a method of