

May I indicate, first, the steps so far taken by the League to procure the establishment of this new Court, and then outline briefly its organization, jurisdiction and procedure.

The principal function of the League of Nations is to preserve the world's peace by providing a substitute for war as a means of settling international disputes.

When the statesmen responsible for framing the Treaty of Peace and the Covenant of the League met in Paris, they recognized that if the League was to provide a substitute for war as a means of settling international disputes, they could not depend solely, or even principally, upon arbitration and conciliation. They must secure the establishment of a Permanent Court of International Justice.

Article 14 of the Covenant, therefore, provides:—

“The Council 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 disputes 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.”

Acting upon this article the Council, very wisely, I believe, appointed a commission of ten jurists of international repute to prepare plans for the establishment of such a Court. Although the United States had not entered the League, Mr. Elihu Root, probably the ablest living member of the American Bar, accepted a position on this commission and rendered invaluable assistance in its work. Lord Phillimore was the British representative.

Before this Commission was appointed, the Scandinavian countries and Holland and Switzerland, had, through a commission of their ablest jurists, prepared a draft scheme for submission to the Council of the League. This and other draft schemes prepared by other states and by individuals, were submitted to the Commission. The Commission also had the benefit of a very full and detailed report prepared by the Legal Branch of the Secretariat of the League on the history of the efforts previously made to secure the constitution of such Court, together with an exam-