

AGREEMENT CONCERNING THE PREMISES OF THE PEACE PALACE AT THE HAGUE

Report of the Fifth and Sixth Committees

Rapporteurs: Mr. Th. Aghnides (Greece)
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1. At its forty-sixth plenary meeting, held on 31 October 1946, the General Assembly referred to a Joint Fifth and Sixth Committee the question of the approval of the agreement between the United Nations and the Carnegie Foundation concerning the use of the Peace Palace at The Hague. The basis for the discussion of this item was the joint report of the Secretary-General and the Negotiating Committee on the agreement (document A/109).
2. A Joint Sub-Committee established by the Fifth and Sixth Committees considered this document and reported to the Fifth and Sixth Committees under date of 28 November 1946 (document A/C.5/97), recommending the approval of the entire agreement. The representatives of Chile and of the Union of Soviet Socialist Republics joined in the Sub-Committee's recommendation insofar as it applied to that part of the agreement relating to the use of the Peace Palace, but reserved their right to raise the issue again in the Fifth and Sixth Committees, respectively, insofar as the Sub-Committee's recommendation applied to the second part of the agreement, relating to the repayment of loans.
3. The Fifth Committee, at its thirty-second meeting, held on 29 November 1946, considered the report of the Joint Sub-Committee and approved the entire agreement by thirty-five votes to six. The representative of the Soviet Union, supported by the representative of the Ukrainian Soviet Socialist Republic, maintained that the second part of the agreement should not be approved because such approval amounted to

an assumption of liabilities in connection with the winding up of the assets and liabilities of the League of Nations.

On the other hand, the representatives of China, Norway, the Netherlands and the Union of South Africa maintained that the agreement for repayment of loans was part of the use charge for the premises of the Peace Palace and should not, therefore, be linked with the liquidation of the League of Nations. These delegations maintained that it was impossible to separate the rental charges and the repayment of loans, both of which were part of the same agreement. The Fifth Committee decided by twenty-nine votes to nine to consider the agreement as a whole and not in two parts.

4. The Sixth Committee, at its twenty-ninth and thirtieth meetings, held on 5 and 6 December 1946, considered the report of the Joint Sub-Committee. The representatives of the Union of the Soviet Socialist Republics and of Chile reiterated, on behalf of their respective delegations, the objections which they had raised in respect of the second part of the agreement. In this they were supported by the representative of Yugoslavia. At the request of the Soviet representative, the Committee voted separately on each part of the agreement. The first part, relating to the use of the Peace Palace, was approved unanimously. The second part, concerning the repayment of loans, was approved by twenty-six votes to four, with one abstention (Poland).

5. In consequence, the Fifth and Sixth Committees recommend to the General Assembly the adoption of the following resolution:

AGREEMENT CONCERNING THE PREMISES OF THE PEACE PALACE AT THE HAGUE

THE GENERAL ASSEMBLY

APPROVES the agreement between the United Nations and the Carnegie Foundation concerning the use of the Peace Palace at The Hague and concerning the repayment of loans as set forth in Annexes A and B.

ANNEX A

AGREEMENT BETWEEN THE UNITED NATIONS AND THE CARNEGIE FOUNDATION
CONCERNING THE USE OF THE PREMISES OF THE PEACE PALACE AT THE HAGUE

ARTICLE I

The Carnegie Foundation shall allow the International Court of Justice, for so long as the said Court shall be sitting at the Hague, the use of the Peace Palace as from 1 April 1946, subject to the following conditions.

ARTICLE II

The annual contribution payable by the International Court of Justice in respect of the use of the Peace Palace, is hereby fixed at 48,000 Netherlands florins.

ARTICLE III

The said contribution shall be payable in quarterly instalments, each of one quarter of the total sum, on 1 July, 1 October, 1 January and 1 April. The first payment shall be made on 1 July 1946.

ARTICLE IV

The Court shall have the permanent and exclusive use of the following rooms:

Nos. 8, 9, 10, 11, 13, 27, 28, 38, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 301, 302, 303 and 306, as well as the room known as the "Refectory" and the adjacent premises appertaining thereto.

Whilst the Court and its Chambers are in session, the Court shall have the use of the Great Court Room (No. 2) with the ante-chamber (No.3) as well as of rooms Nos. 1 and 25. On days on which the Court is not meeting in public, the said premises may be used by other institutions.

The Court shall be entitled to the joint use of all the other premises of the Palace necessary for its work, in accordance with agreements to be concluded in each particular case with the Foundation.

Members of the Court and its officials shall enjoy on the same footing as

the other members and officials of the other institutions occupying the Peace Palace:

- (1) the entrances and exits, vestibules, corridors and stairways;
- (2) the cloak-rooms and lavatories adjacent to the premises occupied;
- (3) the lifts and similar parts of the Palace intended for general use.

ARTICLE V

The existing library shall be kept carefully up-to-date and supplied with additions as necessary. The Foundation will give favourable consideration to any suggestion on this subject from the Court or its members.

The Secretary-General expresses the hope that the Foundation will assign adequate funds for bringing and keeping the library at the Peace Palace up-to-date.

Members and officials of the Court may consult books in the library at all times provided they comply with the regulations in force; apart from the hours during which the library is open to the public, they shall have access thereto from 9 a.m. until 6:30 p.m. on every working day during or immediately before meetings of the Court or its chambers.

ARTICLE VI

Furniture and other objects bought by the League of Nations on behalf of the Permanent Court of International Justice, and now intended for the use of the International Court of Justice, shall be the property of the United Nations and shall, where necessary, be placed at the expense of the United Nations.

Should any pieces of furniture belonging to the Foundation and installed in premises of which the Court has the permanent or temporary use become unusable, they shall be replaced at the Foundation's expense.

ARTICLE VII

The costs of rental and maintenance of telephones connecting the premises of which the Court has the permanent or temporary use, both with one another and with the town, as well as the costs of using the telephone exchange which is not directly connected with the town, shall be borne by the Foundation.

In the absence of an agreement to the contrary in each particular case,

the said exchange shall be in operation until 6 p.m. and, whilst the Court or its chambers are in session, until 7 p.m.

It is understood that the expenses referred to above are entirely covered by the United Nations contribution referred to in Article II above.

ARTICLE VIII

The United Nations assumes no responsibility for the maintenance of the building and the grounds appertaining thereto.

The heating, lighting and cleaning of those parts of the building of which the Court has the permanent or temporary use shall be defrayed by the Foundation. The temperature of the premises used as offices or conference rooms shall not be below 18° Centigrade. The cleaning shall be carried out in such conditions and at such hours that the occupants are not disturbed in their work.

The Foundation shall bear the costs arising out of the municipal water supply used by members or officials of the Court.

It is understood that the sum referred to in Article II above constitutes full and complete payment of the charges herein referred to.

ARTICLE IX

The service personnel hired by the Foundation shall be at the Court's disposal under the same conditions as it is at the disposal of any other institution established in the Peace Palace.

It is agreed that the working hours of at least one member of this personnel shall be determined with due regard, so far as possible, to the service requirements of the International Court of Justice.

The Court shall be free to engage at its own cost and for its own exclusive service officials belonging to the category of service personnel. Such officials shall in no way be under the authority of any other institution.

It is agreed that the expenses in respect of additional service personnel engaged as a result of the establishment of the International Court of Justice at the Peace Palace are fully covered by the contribution referred to in Article II above.

ARTICLE X

The officials of the Foundation shall hand without delay to the chief registry clerk of the Court or his deputy any postal or telegraphic communication delivered to the Peace Palace and addressed to the Court or to one of its members or officials.

ARTICLE XI

While the Court or its chambers are in session, paying or other visitors not connected with one of the institutions established at the Palace may not, without agreement to the contrary in each particular case, enter the Peace Palace except between 1 p.m. and 3 p.m. They may not enter rooms which they have been forbidden to enter by the competent officials of the Court.

ARTICLE XII

Any payment which may be required and levied by the Netherlands authorities, whether governmental or municipal, out of funds paid to the Foundation by the United Nations or on the occasion of the payment of such funds, or in respect of the Peace Palace or the grounds appertaining thereto, shall be defrayed by the Foundation.

ARTICLE XIII

The present agreement is concluded for a period of three years and shall be automatically renewable for further periods of one year unless prior notice of termination is given by one of the Parties within three months preceding the expiration of each period.

In cases of differences of opinion regarding the possible modification of Article II, the Parties shall have recourse to arbitration.

ARTICLE XIV

It is expressly understood that the question of the establishment of the International Court of Justice at the Peace Palace exclusively concerns the United Nations and the Carnegie Foundation, and is consequently outside the jurisdiction of any other organization; the Foundation declares its readiness to accept all the responsibilities arising out of this principle.

/ARTICLE XV

ARTICLE XV

The present agreement shall enter into force immediately upon its approval by the General Assembly of the United Nations.

/ANNEX B

ANNEX B

AGREEMENT BETWEEN THE UNITED NATIONS AND THE CARNEGIE FOUNDATION
CONCERNING THE REPAYMENT OF LOANS

To enable the Carnegie Foundation to refund to the Netherlands Government the balances of the loans contracted by it in 1927 and 1932 for the purpose of making certain alterations to the premises of the Permanent Court of International Justice, which are now to be used by the International Court of Justice, the United Nations shall pay to the Carnegie Foundation the following sums:

1. On 1 July 1946, and thereafter every six months, a sum of 5,000 Netherlands florins until the total amount of 125,000 florins has been refunded;
2. On 1 July 1946, and thereafter every six months, a sum of 5,000 Netherlands florins until the total amount of 170,000 florins has been refunded, followed by a final instalment of 1,249.26 florins, payable on 1 July 1963.

This obligation shall cease if the Carnegie Foundation gives the International Court of Justice notice of termination, in accordance with Article XIII, paragraph 1 of the Agreement concerning the use of the Peace Palace.

The present agreement shall come into force on the date of its approval by the General Assembly of the United Nations.
