

Happy in the belief that the civilized world will not, cannot, long enter a profession which binds them to go forth and kill their fellow-men as ordered, although they will continue to defend their homes, if attacked, as a duty, which also involves the duty of never attacking the homes of others, I am,

Cordially yours,

ANDREW CARNEGIE.

Every generous and high-minded man, irrespective of church and of nationality, must from the bottom of his heart hope and pray that the cause so generously endowed by Mr. Carnegie will ultimately triumph and must wish the new organization and its trustees Godspeed in their delicate, important and wholly disinterested mission.

THE ACADEMY OF INTERNATIONAL LAW AT THE HAGUE ESTABLISHED IN
CO-OPERATION WITH THE CARNEGIE ENDOWMENT FOR INTERNATIONAL
PEACE

The establishment of an Academy of International Law at The Hague, to be installed in the Peace Palace, and the services which it may render to international law, are too important to be adequately discussed within the narrow compass of an editorial comment. With full knowledge of this fact and reserving the subject for a special article in a future issue of the *JOURNAL*, it seems advisable to state in general the reasons which, in the eyes of the founders of the Academy, justify its creation, and to enumerate some of the advantages which are expected to result from its successful operation. The proposition to establish an Academy of International Law at The Hague was first officially made, it is believed, by Mr. Demetrius Sturdsa, Prime Minister of Roumania at the time of the Second Peace Conference in 1907, a proposition based apparently upon two articles in the *Deutsche Revue* for April, 1907, written respectively by the distinguished publicist, Professor Otfried Nippold, and Mr. Richard Fleischer, editor of the *Revue*. The president of the Conference, the late Mr. Nelidow, referred approvingly to the articles in the session of the Conference of July 20, 1907, and at a later session, on September 7, 1907, he laid before it a letter addressed to him by Mr. Sturdsa advocating the creation of an Academy of International Law and containing a draft project for its establishment. In view of the importance of Mr. Sturdsa's action and in view also of the creation of an institution differing in some important details from his proposal, yet nevertheless based upon it, it seems advisable to quote what may be considered the material portion of Mr. Sturdsa's letter:

The Peace Conference pursues a great object, that of bringing about the pacific settlement of international disputes.

To this end, in 1899, a permanent international court of arbitration was established, for the purpose of adjudging the disputes which would be submitted to it. The Conference now seeks to give to arbitral justice a still greater development. This would be the time, then, to create between the international tribunal and the Conference a bond which cannot be other than scientific, in order that practice and theory may march hand in hand and mutually aid each other. There should be established, therefore, at The Hague a fully developed institute of international law, the direction of which would be entrusted to the Peace Conference, the practical execution to the permanent administrative council established in 1899, and the scientific development to an academy of international law, which would, in a methodical way, maintain the science on a level with the principles enunciated by the Conference, and practice on a level with the progress inaugurated.

No action was taken by the Conference on the letter or project except to thank Mr. Sturdsa for his initiative and to deposit his project among the archives of the Conference. An examination of Mr. Sturdsa's letter and of the project which accompanied it shows that the institution he advocated was to be scientific in nature and to provide instruction in the various branches of international law by eminent scholars, professors, and jurists of different countries, in order, as he said, "that practice and theory may march hand in hand and mutually aid each other"; that the academy was to be an official body, inasmuch as it was to be created by the Conference and that it was to be run by the Administrative Council of the Permanent Court of The Hague. The academy which he proposed was to be, as it were, an emanation of the Conference, directed by an official international body; its expenses were to be borne by the states taking part in its creation and operation; and its student body was to be formed by the designation on the part of the states of "diplomats, army officers, persons serving in the higher executive departments of the state, and scholars."

Without entering into further details, it is sufficient to say that objections were made to an academy of this nature, as it was feared that its courses of instruction would but reflect the views of the states participating in its organization and operation, and that the scientific instruction would necessarily be colored by the desires and special interests of states considered as such. It was recognized, however, that the nations at large should take an interest in such an academy to the extent of designating students to attend its courses, but that it should be a scientific institution, the expenses of which should be met not by the states themselves but from private sources.

Leaving out of consideration certain projects for universities at The Hague which were made from time to time, requiring a large capital and the expenditure of a princely income and which were, it is believed, calculated rather to retard than to promote the establishment of the proposed institution, a committee of Dutch publicists, under the presidency of the late T. M. C. Asser, was formed at The Hague to bring the matter to the attention of the Carnegie Endowment for International Peace, which had recently been established, and to urge it to assure financial backing to a more modest institution. As a result of negotiations extending over a period of two years and more between Mr. Asser, on the one hand, representing the Dutch committee, and Mr. Scott, on the other hand, representing the Carnegie Endowment, an agreement was reached by which the Carnegie Endowment pledged its financial support to the institution, in order to secure its establishment and to secure a fair trial of what must be called an international experiment. On January 12, 1914, a joint session was held at The Hague of a sub-committee of the Dutch publicists and of the Consultative Committee of the Institute of International Law, which acts as adviser to the Endowment in matters of international law, which Mr. Scott attended as representative of the Carnegie Endowment. At this meeting a constitution—technically called statutes—of the proposed academy was approved and accepted on the part of the Endowment; the academy itself was founded in compliance with the terms of Dutch law on January 26, 1914; and a meeting of the curatorium, that is to say, the Board of Trustees, of the Academy was held at Paris January 30–31, which drafted its by-laws, technically called *règlement*.

It will be observed that the statutes of the Academy practically give effect to Mr. Sturdsa's proposal, changing it, however, into an institution founded by private initiative, controlled by unofficial trustees of different nationalities, so that the direction is international and not official, to be supported by funds from private as distinct from official sources, although the governments are, it is hoped, to be interested in the academy and its operation by appointing to attend its sessions active or former officials of the diplomatic, consular, army and navy services. It is believed that in this way the nations will benefit by the establishment of the Academy without the disadvantages which might result from their control of it.

The relations which the new institution will sustain to the Conference are similar to, if not identical with, Mr. Sturdsa's proposal. In his letter

from which a quotation has already been made he referred to an institution which was to be created "between the international tribunal and the Conference," resulting in "a bond which cannot be other than scientific, in order that practice and theory may march hand in hand and mutually aid each other," and in the preamble to his project he called attention to "the necessity of developing in a systematic manner international law and its practical application to international relations." This was to be attained by courses on the various branches of international law "such as private international law, the law of war, comparative commercial law, commercial systems and economic relations, colonial systems, the history of international law," to be given by "the most eminent scholars, university professors, and jurists of all countries." Articles 2 and 3 of the statutes appear to realize Mr. Sturdsa's conditions:

The Academy is a center of advanced studies in international law (public and private) and related sciences, for the purpose of facilitating a profound and impartial study of questions bearing upon international legal relations. (Article 2.)

To this end, the most competent men of the different states are called upon to teach, by means of courses, lectures or seminars, the most important subjects relating to international theory, practice, legislation and jurisprudence, particularly as resulting from the action of conferences and from international awards. (Article 3.)

Without attempting at this time and in this place to interpret these articles, it is sufficient to say that no international institution of this kind exists. It is the belief of its founders, which experience will, it is hoped, justify, that any one wishing to take advanced work in international law, especially as it results from the action of international conferences—more especially the Hague Conferences, and international awards—more especially the awards of the Hague Tribunal—will turn his steps to The Hague, which is becoming, if it has not actually become, the center of international development.

It will be noted that the professors or lecturers are to be drawn from different countries, so that in this respect the Academy is unique, as national views will be thrown into the international melting pot, so to speak. The courses of instruction are to be held during the summer months, when European institutions are not in session, so that the Academy does not compete with other institutions of a more or less similar character. The student body will, it is hoped, be made up of students coming from different countries, including therein competent persons to be designated by the nations, so that in this respect the Acad-

emy is likewise unique, as the bulk of its students will be drawn, not from one nation, but from many nations.

In order to place beyond question the international character of the institution, the Curatorium or Board of Trustees is to be composed of twelve members, no two of whom shall come from one and the same country, and the scientific standing of the Academy and the Curatorium is guaranteed by the fact that "the president and the ex-presidents of the Institute of International Law at the time of the founding of the Academy" are *ex officio* members of the Curatorium, thus placing it, as it were, under the auspices of the Institute of International Law, which is universally regarded as the most competent body of international lawyers in the world. As a matter of fact, eleven of the twelve members of the Curatorium are members or associates of the Institute of International Law, and the Curatorium, thus composed, "draws up the year's program and appoints the persons to give instruction" (Article 6, section 6). It thus appears that the Academy is international in fact as well as in theory; that it is established in the very center of international development; that its faculty, changing from year to year, and its student body are to be drawn from different countries; that its student body will be composed at least in part of officials and of private students from different countries; and that the international character is adequately safeguarded by the Curatorium or Board of Trustees, composed of members of the Institute of International Law likewise of different nationalities.

The importance of the Academy and its close and intimate relations with the Institute of International Law are thus stated in a recent circular issued by the Secretary General of the Institute, who is also the Secretary General of the Academy:

It is my duty to announce * * * the founding of the Hague Academy of International Law and I cannot refrain from giving you certain details in connection with this important event.

You will recall that, on the occasion of our last meeting at Oxford, the Institute of International Law, consulted by Mr. James Brown Scott, our colleague, Secretary of the Carnegie Endowment of International Peace at Washington and Director of the Division of International Law of the said Endowment, recommended "the establishment at The Hague of a center of advanced studies in international law and related sciences, for the purpose of facilitating a profound and impartial study of questions bearing upon international legal relations."

That is exactly what has been created at The Hague under the name of Academy, although this term does not entirely convey, in French, the nature and object of this new organization.

A charter (*acte de fondation*) regularly drawn up before a notary at The Hague, thanks to the heirs of Mr. Asser and a philanthropist of this city who put up a capital of thirty thousand florins, sufficed to give this institution, according to Dutch law, a civil status and existence of its own, independent of its founders. The management of the scientific work of this Academy is, according to its statutes, entrusted to a Curatorium consisting of twelve members, and its business management to an Administrative Council assisted by a Finance Committee. * * *

The capital put up for this Academy, thanks to the liberality of the Dutch donors, would indeed be insufficient to insure its existence. Thanks to the boundless generosity of Mr. Carnegie and the support of the organization which he founded at Washington, the Carnegie Endowment for International Peace, it can live and prosper. Without the Carnegie Endowment, which has promised the new Academy a subvention of forty thousand dollars, the idea initiated by the genius of Mr. Sturdsa, taken up again by Mr. Asser, encouraged by the Trustees of the Carnegie Endowment and by the Institute itself, would have remained in the dream state.

The statutes * * * were drawn up with the advice of and after consideration by your Consultative Committee for the Carnegie Endowment, which was called by its President at the request of Mr. Scott, in order to lay before it draft statutes drawn up by Mr. Asser and Mr. Scott himself. The meeting of this Committee took place at The Hague on Saturday, January 12, 1914, and the days following. There were present Messrs. Gram, Hagerup, Fusinato, Renault, Scott, Vesnitch and your Secretary General acting as President.

As a result of this meeting and of the charter which was passed a few days after, the Curatorium was completed at a session which took place at Paris January 31 and the days following, and is at present composed (I deem it my duty to give you these details, although it is independent of the Institute) of the following members:

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| 1. Mr. Renault, President | } members <i>ex officio</i> . |
| 2. Mr. Harburger | |
| 3. Baron Descamps | |
| 4. Mr. Goos | |
| 5. Mr. Hagerup | |
| 6. Mr. Lardy | |
| 7. Lord Reay | |
| 8. Mr. James Brown Scott | |
| 9. Mr. Heemskerk, selected by the Council. | } elected by the Curatorium. |
| 10. Mr. Alvarez | |
| 11. Mr. Fusinato | |
| 12. Mr. de Taube | |

As you will see by an examination of the statutes, the advanced instruction in international law in the Academy cannot compete with the instruction given in universities, not only because it will be more profound and more specialized, but because it will be given during the usual period of university vacations.

No statement is made at this time of the proposed courses of instruction, as this is a matter for the deliberations of the Curatorium, which is actually occupied with this difficult and delicate task. The Academy

will be formally opened in September of this year, although instruction will not begin until a year later. It is expected that at the next meeting of the Curatorium in September, the program for the year 1915 will be drawn up and announced at the formal opening, so that prospective students will have ample time in order to make their arrangements. The statutes giving the details of organization and the terms of admission are annexed as an appendix to this brief comment.

STATUTES OF THE HAGUE ACADEMY OF INTERNATIONAL LAW, ESTABLISHED IN CO-OPERATION WITH THE CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

ARTICLE 1

1. An Academy of International Law is established at The Hague.
2. It is located in the Peace Palace.

ARTICLE 2

The Academy is a center of advanced studies in international law (public and private) and related sciences, for the purpose of facilitating a profound and impartial study of questions bearing upon international legal relations.

ARTICLE 3

1. To this end, the most competent men of the different states are called upon to teach, by means of courses, lectures or seminars, the most important subjects relating to international theory, practice, legislation and jurisprudence, particularly as resulting from the action of conferences and from international awards.
2. Instruction is given during the months of July to October.
3. The scale of remuneration of those giving instruction is determined by the Curatorium, within the limits of the budget as fixed by the Administrative Council.

ARTICLE 4

The members of the Board of Directors of the Carnegie Foundation for the Peace Palace constitute the Administrative Council of the Academy.

ARTICLE 5

1. A Curatorium composed of twelve members has charge of the scientific work of the Academy.
2. The Curatorium is composed of (1) the President and the ex-Presidents of the Institute of International Law at the time of the founding of the Academy, who may accept; (2) the Director of the Division of International Law of the Carnegie Endowment for International Peace; (3) a Dutch member, appointed by the Administrative Council mentioned in Article 4. The foregoing members appoint the other members of the Curatorium necessary to bring the number up to twelve.
3. With the exception of the Director of the Division of International Law of the

Carnegie Endowment for International Peace and of the Dutch member above referred to, who are members by right, the Curatorium shall make the necessary appointments by co-optation to fill the vacancies that may occur, it being understood that the Curatorium shall never include at one and the same time two citizens or subjects of any one state.

4. If more than one of the presidents of the Institute of International Law belong to the same state, only the one who first served as president shall be a member of the Curatorium.

ARTICLE 6

1. The Curatorium appoints its President.
2. A quorum of five members is required in order to make its acts valid.
3. Voting by mail is allowed only for the election of its president, or of a member of the Curatorium or of the Finance Committee mentioned in Article 13 below.
4. There must be a meeting of the Curatorium at least once a year. Any member of the Curatorium who is absent from three consecutive meetings shall be considered as having resigned.
5. The members of the Curatorium shall receive, for traveling and hotel expenses, an amount the basis of which is fixed by the Administrative Council.
6. The Curatorium draws up the yearly program and appoints the persons to give instruction.
7. It may, by agreement with the authors and if it is deemed advisable, provide for the publication of courses or lectures within the limits of the budget as fixed by the Administrative Council.
8. It delegates one or more of its members to be present at the Academy during the term.

ARTICLE 7

1. The Administrative Council appoints, in conjunction with the Curatorium, a Secretary General, who acts as Secretary to both these bodies. His salary is fixed by the Administrative Council.
2. The Administrative Council appoints a Treasurer and fixes his salary, if required.

ARTICLE 8

1. The Administrative Council publishes, before September 30 of each year, a report of the activities of the Academy during the preceding year.
2. This report must be sent to all the members of the Curatorium and of the Finance Committee, to the Carnegie Endowment for International Peace, and to the Institute of International Law.

ARTICLE 9

1. The Administrative Council grants admission to the courses, lectures, and seminars, and likewise may, as a disciplinary measure, withdraw the privilege thus granted.
2. Admission may not be refused to the holders of a doctor's degree from a university, to the officials or former officials of the diplomatic or consular services, to army or navy officers or former army or navy officers.

3. The Administrative Council may make admission contingent upon the payment of a fee not to exceed twelve florins.

4. "Certificates of assiduity" may be awarded.

ARTICLE 10

The Administrative Council may establish scholarships, with the consent of the Finance Committee and after having asked the advice of the Curatorium.

ARTICLE 11

1. The Administrative Council represents the Academy in its legal and other relations.

2. In order to bind the Academy or to give a legal release, the signature of at least two members of the Administrative Council and the countersignature of the Secretary General are required.

ARTICLE 12

The income of the Academy consists of:

- (a) Interest and arrears on the capital of the Foundation;
- (b) The annual subvention granted by the Carnegie Endowment for International Peace;
- (c) Donations, legacies or other gifts from associations or individuals;
- (d) Matriculation fees mentioned in Article 9, paragraph 3.
- (e) Proceeds from the sale of the Academy's publications.

ARTICLE 13

1. A Finance Committee is charged with the functions enumerated in Articles 14, 15, 16.

2. This Committee is composed of three members, two of whom are appointed by the Curatorium, and the third by the Administrative Council.

ARTICLE 14

Unless authorized by the Finance Committee, the Administrative Council may not:

- (a) Bring suit, compromise or acquiesce in actions brought against the Academy;
- (b) Accept or refuse donations or legacies;
- (c) Sell, mortgage, pledge, lease or permit the use of any real estate belonging to the Academy;
- (d) Buy real estate or personal property, the price of which exceeds the sum of 1,000 florins;
- (e) Contract obligations exceeding the sum of 2,500 florins;
- (f) Erect buildings;
- (g) Make any repairs costing more than 1,000 florins.

ARTICLE 15

1. Before October 15 of each year the Administrative Council submits to the Finance Committee a budget of receipts and disbursements for the ensuing year.

2. The Finance Committee fixes the budget, with or without modifications, at a meeting held during the month of December.

3. The members of the Administrative Council may attend this meeting in an advisory capacity.

4. The Administrative Council may not exceed the amounts of the items in the budget of disbursements without the authorization of the Finance Committee.

ARTICLE 16

1. Before April 1 of each year the Administrative Council submits to the Finance Committee an account of the receipts and disbursements of the preceding year.

2. The Finance Committee, after verifying it, passes the account, with or without modifications, at a meeting held in the month of May.

3. The members of the Administrative Council may attend this meeting in an advisory capacity.

ARTICLE 17

Except as otherwise provided in the foregoing articles, the Administrative Council has full authority for the proper management of the Academy.

ARTICLE 18

1. If four at least of the seventeen members composing the Curatorium and the Administrative Council shall deem an amendment to the present statutes necessary or desirable, they shall notify the Administrative Council of their desire, and the latter shall, in its annual report, make known the modification requested.

2. Upon the expiration of at least six months the Administrative Council, the Curatorium, and the Finance Committee, in a joint meeting presided over by the senior of the three Presidents, passes upon the proposal, with or without amendments, by a majority of votes.