

OPTIONAL CLAUSE

Australia.

New declaration.—*On August 21st, 1940, the Commonwealth High Commissioner in London sent the following declaration to the Secretary-General of the League of Nations*¹:

“On behalf of His Majesty’s Government in the Commonwealth of Australia, I now declare that they accept as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the Court, in conformity with paragraph 2 of Article 36 of the Statute of the Court, for a period of five years from to-day’s date and thereafter until such time as notice may be given to terminate the acceptance, over all disputes arising after August 18th, 1930, with regard to situations or facts subsequent to the said date, other than:

“disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

“disputes with the government of any other Member of the League which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree;

“disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Commonwealth of Australia; and

“disputes arising out of events occurring at a time when His Majesty’s Government in the Commonwealth of Australia were involved in hostilities,

“and subject to the condition that His Majesty’s Government in the Commonwealth of Australia reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the proceedings in the Court, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the Parties to the dispute or determined by a decision of all the Members of the Council other than the Parties to the dispute.

“London, August 21st, 1940.

(Signed) S. M. BRUCE.”

¹ By the same communication, received in the Secretariat on September 2nd, 1940, the High Commissioner gave notice to terminate the acceptance of the Court’s jurisdiction recorded by the declaration of September 20th, 1929, for a period of ten years and thereafter until notice of termination had been given (see League of Nations Doc. C. L. 82. 1940, and Series D., No. 6, p. 49, *Publications of the Permanent Court of International Justice*).